

* * * * *

This is another in a series of cases which have recently come before this Zoning Commissioner filed by APC, a communications provider. APC is

8

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in the business of providing cellular mobile communication services in the Baltimore Metropolitan area. The company specializes in providing wireless telephone and computer data transmissions. As is the case with similar providers, the company finds it necessary to install antennas at strategic locations throughout the County to establish its communication network. These antennas are most often erected on existing buildings and structures. In fact, the BCZR encourages placement of antennas on existing buildings, to reduce the proliferation of monopole construction throughout the County.

Proffered testimony and evidence presented was that APC has identified the subject property as appropriate for the installation of antennas. The site is owned by Federated National, Inc, and the property is improved with a seven story stucco building known as the Hampton Inn. Numerous photographs of the site were submitted at the hearing and this Zoning Commissioner is familiar with the property. The Hampton Inn is a hotel located near the Hunt Valley Industrial Park in northern Baltimore County. The property is adjacent to York Road and across from Ashland Road. The site is near I-83 and York Road, major traffic corridors in northern Baltimore County. It was indicated that the subject antennas would fill a hole in the existing communications network and also increase capacity in this highly traveled area.

The Petitioner comes before me seeking alternative relief. The Petition for Special Exception is filed, pursuant to Section 236.4 of the BCZR. That section identifies uses permitted by special exception in the B.R. zone. The subject property is zoned B.R.-I.M. Section 236.4 indicates that wireless transmitting and receiving facilities are permitted by special exception when such uses are not permitted by right under Section 426.

ORDER RECEIVED FOR FILING

Date

By

3/27/96
M. J. [Signature]

Section 426 would allow wireless transmitting and receiving facilities by right in a B.R. zone if certain criteria were met. In this case, the antenna will be set back a distance of 118 ft. from an R.O. zone. In that Section 426.1 requires a 200 ft. setback, the Petitioners are not eligible for relief by right under Section 426.1 of the BCZR.

In my judgment, the appropriate relief to be granted here is under the Petition for Special Exception. It is clear that the proposed use would not be detrimental to the health, safety or general welfare of the locale and meets the tests contained in Section 502 of the BCZR. In this regard, the Petitioners submitted a packet of material (Petitioners' Exhibit No. 3) which describes the antennas fully and establishes the fact that they will not result in an adverse impact to the surrounding locale. Variance relief is not necessary from the provisions of Section 426.1 of the BCZR, in that the special exception will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

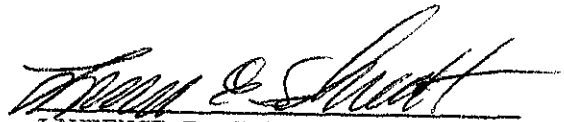
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of March, 1996 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility from Section 236.4 of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 426.1.B. of the BCZR to permit a minimum setback of 118 ft. from an R.O. zone in lieu of the required 200 ft. be and is hereby DISMISSED AS MOOT, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason,

this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

3/22/96

By

Mr. Horn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 27, 1996

David Gildea, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Case No. 96-292-XA
Lessee: American PCS, L.P.
Legal Owner: Federated National, Inc., Petitioners
Property: 11200 York Road, Hunt Valley

Dear Mr. Gildea and Ms. McSherry:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception has been granted and the Petition for Variance has been dismissed, as moot, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.

c: Mr. Michael E. Szczesny, President, Federated National Inc.

[Handwritten signature]





Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 11200 York Road

96-292-XA

which is presently zoned BR-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Wireless transmitting and receiving facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq.
For American PCS, L.P.

(Type or Print Name)

Signature

One Democracy Center
6901 Rockledge Dr.

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

Christine K. McSherry, Esq.

(Type or Print Name)

Signature

c/o Whiteford, Taylor & Preston
210 W. Pennsylvania Ave., Suite 400

Address

Towson,

MD

21204

Phone No.

City

State

Zipcode

(410) 832-2000

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Federated National Inc., Owners of
B.T. Motor Inn Inc.

(Type or Print Name)

Signature

MICHAEL E. SZCZESNY, PRESIDENT

(Type or Print Name)

Signature

B.T. Motor Inn, Inc.

529-1500

Address

11200 York Road

Phone No.

Hunt Valley, MD 21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

Christine K. McSherry, Esq.

832-2000

Name

210 W. Penn. Ave., Towson, MD 21204

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

2-2-96

Zoning Administration
& Development Management



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11200 York Road

which is presently zoned BR-IM

96-292-XA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (s)

426.1 B To permit a minimum setback of 118' from an R-O zone in lieu of the required 200'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq.
For American PCS, L.P.

(Type or Print Name)

Signature

One Democracy Center
6901 Rockledge Dr.

Address

Bethesda, MD 20817
City State Zipcode

Attorney for Petitioner:

Christine K. McSherry, Esq.

(Type or Print Name)

Signature

c/o Whiteford, Taylor & Preston
210 W. Pennsylvania Ave., Suite 400

Address

Towson, MD 21204
City State Zipcode

(410) 832-2000

Legal Owner(s):

Federated National Inc., Owners of
B.T. Motor Inn, Inc.

(Type or Print Name)

Signature

MICHAEL E. SZCZESNY, PRESIDENT

(Type or Print Name)

Signature

B.T. Motor Inn, Inc.

11200 York Road

529-1500

Address

Phone No.

Hunt Valley, MD 21031

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Christine K. McSherry, Esq.

Name

210 W. Penn. Ave, Towson, MD 21204 832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JPL

DATE 2-2-96

293

Zoning Administration
& Development Management

96-292-XA
293

Description
to Accompany Petition for Special Exception and Variance
1.3 Acre Parcel
The Hampton Inn
11200 York Road

Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Ashland Road, 60 feet wide, with the centerline of York Road, width of variable, (1) Northwesterly along the centerline of York Road 28 feet, more or less, thence at a right angle to said York Road (2) Southwesterly 34 feet, more or less, to the point of the beginning, and to the west side of said York Road, thence leaving said point of beginning and running and binding on the west side of said York Road the two following courses and distances, viz: (1) South 19 degrees 20 minutes 35 seconds East 56.36 feet, and thence (2) South 18 degrees 48 minutes 51 seconds East 191.40 feet, thence leaving the west side of said York Road and running the three following courses and distances, viz: (3) South 75 degrees 09 minutes 02 seconds West 218.18 feet, thence (4) North 19 degrees 28 minutes 29 seconds West 287.34 feet, and thence (5) North 85 degrees 06 minutes 31 seconds East 227.12 feet to the point of the beginning; containing 1.3 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 1, 1996

Project No. 94161.66 (L94161.66)

MICROFILMED



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400

Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-292-XA
(Item 293)

11200 York Road

Hampton Inn

W/S York Road, opposite Ashland Road

8th Election District

3rd Councilmanic

Legal Owner(s):

Federated National Inc., owners of B.T. Moto-Inn, Inc.

Lessee:

American PCS, L.P.

Special Exception: for a wireless transmitting and receiving facility. Variance: to permit a minimum setback of 118 feet from a R. O. zone in lieu of the required 200 feet.

Hearing: Friday, March 8, 1996 at 11:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2). For information concerning the File and/or Hearing, Please Call 887-3391.

2/29/96 Feb. 22

C32998

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

2/22, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/22, 1996.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

96-292 XA - WF
Posted 2/23/94

Int-4
Ashland
Rel.

11200 York Rd.
Hampton IN

paper work

3/40

Yorkway

282-3126

Walt.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Form NO.

96-292-XA

DATE 2-2-96

ACCOUNT R-001 6150

AMOUNT \$ 585.⁰⁰

Site: 11200 York Rd.

RECEIVED

FROM: American PCS, Inc.

4050 - Special Exception Biting Fee (Commercial)

4020 - Commercial Variance Biting Fee

080 - Sign - Posting

FOR:

5/11/00/PM CLK

COLLECTOR

To: Mr. W.B.R.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 213

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DMW / c/o LLOYD MOXLEY

ADDRESS: 200 EAST PENN AVE

TOWSON MD 21286

PHONE NUMBER: 296-3333

[Handwritten signature]

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
February 22, 1996 Issue - Jeffersonian

Please forward billing to:

Lloyd Moxley
M.M.W.
200 E. Pennsylvania Avenue
Towson MD 21286
296-3333

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-292-XA (Item 293)
11200 York Road
Hampton Inn
W/S York Road, opposite Ashland Road
8th Election District - 3rd Councilmanic
Legal Owner: Federated National Inc., owners of B.T. Moto-Inn, Inc.
Lessee: American PCS, L.P.

Special Exception for wireless transmitting and receiving facility.
Variance to permit a minimum setback of 118 feet from a R. O. zone in lieu of the required 200 feet.

HEARING: FRIDAY, MARCH 8, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 13, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-292-XA (Item 293)

11200 York Road

Hampton Inn

W/S York Road, opposite Ashland Road

8th Election District - 3rd Councilmanic

Legal Owner: Federated National Inc., owners of B.T. Moto-Inn, Inc.

Lessee: American PCS, L.P.

Special Exception for wireless transmitting and receiving facility.

Variance to permit a minimum setback of 118 feet from a R. O. zone in lieu of the required 200 feet.

HEARING: FRIDAY, MARCH 8, 1996 at 11:00 a.m. in Room 106, County Office Building.

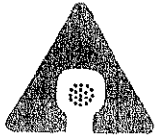
A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Federated National Inc.
Christine K. McSherry, Esq.
Margaret C. Ruggieri, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





**American Personal
Communications**

Case No: 96-292-XA Item No: 293

AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY
ZONING COMMISSIONER
March 8, 1996

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1. Photographs of 11200 York Rd.
2. Lease Agreement with The H.V. Motor Inn, Inc.
3. Photographs and Specification Sheets for Antennas
4. Photograph and Specification Sheets for Equipment Cabinets
5. FCC License
6. Radio Frequency Statement - Jules Cohen
7. FCC Statement on PCS - Creating Significant Benefits for
Consumers and Business
8. FCC's Chairman, Reed Hundt, Speech Excerpts

Ret No 3



**American Personal
Communications**

Case No: 96-292-XA Item No: 293

AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY
ZONING COMMISSIONER
March 8, 1996

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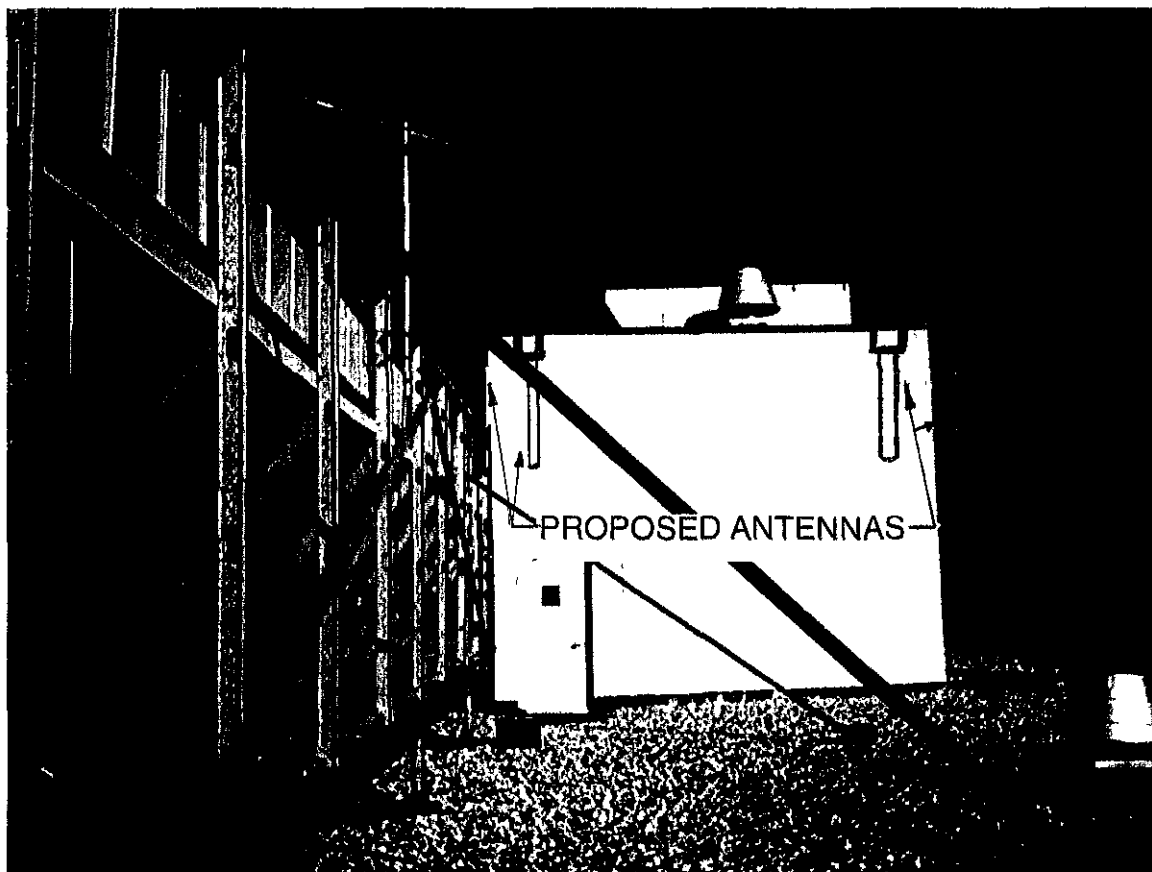
Pet No 3

AMERICAN PERSONAL COMMUNICATIONS
HAMPTON INN SITE
BAN 23-A



VIEW OF HAMPTON INN LOOKING SOUTHWEST FROM ASHLAND ROAD

AMERICAN PERSONAL COMMUNICATIONS
HAMPTON INN SITE
BAN 23-A



VIEW OF SOUTH END OF ROOFTOP PENTHOUSE SHOWING PROPOSED
ANTENNA LOCATIONS

LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease") is entered into this 30th day of January, 199⁶9 by and between THE H. V. MOTOR INN, INC., a Maryland corporation, ("Lessor") and AMERICAN PCS, L. P., a Delaware limited partnership ("Lessee").

NOW THEREFORE, for good and valuable consideration, the parties hereto covenant and agree as follows:

1. Premises.

- (a) Lessor is the owner of the real property improved by a hotel thereon ("Hotel") all as more particularly described in Exhibit A annexed hereto ("Property"). Lessor agrees to lease to Lessee certain space within the Property depicted in Exhibit B annexed hereto ("Premises") for the purposes of installing, operating, maintaining, repairing and replacing the communications equipment described on Exhibit C annexed hereto ("Equipment").
- (b) Lessor also grants to Lessee a non-exclusive easement over so much of the Property as is reasonably necessary for (i) access to the Premises by foot and (ii) the installation, maintenance, and repair and replacement of requisite wires, cables, conduits and pipes for the installation, operation and maintenance of the Equipment which shall be limited to the Hotel's rooftop and rooftop penthouse. Upon Lessee's request, and at Lessee's sole cost and expense, Lessor shall execute and deliver requisite recordable documents evidencing the foregoing easement and any easement for utilities created pursuant to the provisions of Section 9(c) of this Lease. Lessee shall not record such easement documents.

2. Use. The Premises shall be used by the Lessee for the installation, maintenance and operation of the Equipment which will form part of a personal communications service ("PCS") system licensed by the Federal Communications Commission ("FCC").

3. Permits and Approvals. Upon request, Lessor agrees to cooperate with Lessee in obtaining, at Lessee's expense, any licenses, permits and other approvals required by any federal, state or local authority for Lessee's use of the Premises and/or the installation and use of the Equipment ("Approvals").

4. Term. The initial term of the Lease shall be five years ("Initial Term"), commencing the earlier of the date Lessee begins alteration of the Premises or November 1, 1995 ("Commencement Date"). It is the desire of both parties to extend this Lease at the end of the Initial Term if mutual agreement is reached on the amount of rent to be paid for any additional renewal term ("Renewal Term"). Both parties hereto agree to commence negotiations regarding the rent for a Renewal Term, if any, prior to six (6) months before the expiration of the Initial Term.

5. Rent. Monthly rental for the Premises shall be for the Initial Term, paid to Lessor at its address set forth in the Notice Section hereof and shall be inclusive of electricity provided that Lessee's monthly electricity usage does not exceed SEVENTY-FIVE DOLLARS (\$75.00) per month. If Lessee's monthly electricity usage exceeds SEVENTY-FIVE DOLLARS (\$75.00) per month, Lessor shall so notify Lessee and include supporting documentation from the applicable electric utility verifying such costs. Upon receipt of notice and verification, or within thirty (30) days thereafter, Lessee shall reimburse Lessor for the electricity usage which exceeds the electricity included within the monthly basic rent payment. The first month's rent shall be paid on the Commencement date and thereafter paid in advance on the first day of each month. Rent shall be prorated for any partial month at the beginning or end of the term of this Lease.

6. Compliance with Law. Lessee shall install and operate the Equipment and use the Premises in a manner which shall comply with all federal, state, and local laws and regulations governing the installation, operation and use thereof.

7. Interference.

- (a) Lessee shall install and operate the Equipment in a manner which shall not cause technical interference to Lessor or other Lessees with tenancies and rights to install telecommunications equipment pre-dating the execution date of this Lease. Beginning on the execution date of this Lease, Lessor shall use its best efforts to not allow any other use of the Property which will cause interference with Lessee's use. In the event of such interference, Lessor will use its best efforts to take action to ensure the party causing the interference takes appropriate action to correct and eliminate the interference. If such interference is not corrected or eliminated to Lessee's satisfaction, Lessee's exclusive remedy shall be to terminate this Lease immediately.
- (b) Lessee shall operate its Equipment in such a manner so as to not disturb the Hotel's operations, guests or employees. If such disturbance occurs, in the sole discretion of Lessor, Lessor may terminate this Lease immediately upon notice to Lessee.

8. Survey Period. After the execution date of this Lease and prior to the Commencement Date, Lessee shall have access to the Premises during business hours for the purpose of performing necessary engineering surveys, inspections and other reasonably necessary tests relating to Lessee's proposed use of the Premises. Lessee shall fully restore to its prior condition any portion of the Premises disturbed by Lessee.

9. Improvements, Liability, Utilities, Access.

- (a) At Lessee's expense and with minimal disruption to Lessor, Lessee may install, operate and maintain the Equipment on the Premises. In connection therewith, Lessee may complete all work necessary to prepare, maintain and alter the Premises for operation of the Equipment. Notwithstanding its affixation to the Premises, the Equipment shall remain Lessee's personal property and Lessor waives any lien rights it may have concerning the Equipment. Lessee may remove and/or replace all or part of the Equipment and substitute other Equipment, all at its sole expense on or before the expiration or earlier termination of this Lease, provided that Lessee is in general conformity with Exhibits B and C, and shall make any necessary repairs to the Premises, wear and tear excepted, caused by such removal.
- (b) Lessor reserves the right to approve the construction plan drawings for the initial installation of the Equipment and for any additional Equipment installed thereafter, which approval shall be supplied to Lessee in writing within fourteen (14) days of Lessor's receipt of the drawings and shall not be unreasonably withheld, delayed or conditioned. In the event Lessor fails to provide such approval within said time, Lessee shall deem that the construction plan drawings have been approved and accepted by Lessor, and Lessee may commence with activity in accordance with the submitted drawings. If objections are made by Lessor within the fourteen (14) day review period and Lessee does not cure those objections to Lessor's reasonable satisfaction, Lessor may terminate the Lease immediately upon notice to Lessee.
- (c) At Lessee's expense, Lessee may upgrade the present utilities, install new utilities on the Premises or bring utilities to the Premises, including but not limited to a standby power generator for Lessee's exclusive use.
- (d) Lessor shall provide to Lessee, Lessee's employees, agents, independent contractors and subcontractors access over the Property to the premises twenty-four (24) hours a day, seven (7) days a week, at no charge to Lessee.
- (e) The installation of the Equipment shall be performed in a manner so as not to increase the risk or hazard to the Property from lightning, storms or other hazardous weather conditions, nor harm the structural integrity of the Hotel or its roof membrane. Lessee shall hold Lessor harmless from any loss or liability resulting from Lessee's Equipment installation, operation, or maintenance.

10. Non-Disturbance. In the event the Property is encumbered by a mortgage as of the date of this Lease, Lessor immediately after this Lease is executed and prior to the Commencement Date, shall request that the holder of each such mortgage execute a non-disturbance agreement, to be prepared by Lessee, and cooperate with Lessee toward such end to the extent that such cooperation does not cause Lessor additional financial liability or administrative expense. This Lease shall be contingent upon said lender's or mortgagee's approval of this Lease, Lessor's approval of the non-disturbance agreement and the lender's or mortgagee's execution of the non-disturbance agreement.

11. Sale or Mortgage of Property. Should Lessor, at any time after the execution date of this Lease, decide to sell, mortgage or encumber all or any part of the Property, such transaction and its documentation shall be subject to this Lease and Lessee's rights hereunder.

12. Termination. This Lease may be terminated as follows:

- (a) By either party, upon default of any covenant or term of this Lease by the other party, which default is not cured within thirty (30) days of receipt of written notice, provided that the cure period for any monetary default is ten (10) days from receipt of notice. During the continuance of any default after such notice and cure period, the non-defaulting party may terminate this Lease by giving notice of termination to the defaulting party, and the non-defaulting party may exercise any other remedies it may have under this Lease or at law.
- (b) By either party, without further liability hereunder, upon providing ninety (90) days prior notice
 - (i) if Lessee is unable to obtain or maintain any Approvals.
- (c) By Lessee, without further liability hereunder, upon providing ninety (90) days prior notice
 - (i) if, due to changed circumstances, Lessee determines that for technological reasons, the Premises are no longer suitable for its intended purpose; or
 - (ii) if Lessee determines that any of the Equipment cannot be used without interference from, or causing any undue interference to, other property or equipment in the area of the Property.
- (d) By Lessee, without further liability hereunder, upon providing notice if the Premises or Equipment are destroyed or damaged and rendered unsuitable for normal use. In such event, all rights and obligations of the parties shall cease as of the date of the damage or destruction.
- (e) By Lessor, where so provided in this Lease.

13. Insurance. Lessee shall procure and maintain a public liability policy, with limits of \$1,000,000 for bodily injury, \$1,000,000 for property damage, \$2,000,000 aggregate, with a certificate of insurance, naming Lessor as an additional insured party, to be furnished to Lessor within thirty (30) days of written request. Such policy shall provide that termination or cancellation will not occur without at least fifteen (15) days prior written notice to Lessor. Any cancellation of said policy shall be cause for Lessor to terminate this lease. Notwithstanding this Section 13, Lessee shall be responsible for any damage to Lessor's property or systems resulting from Lessee's use of the premises.

14. Title, Authority and Quiet Enjoyment. Lessor hereby represents and warrants that (i) it holds good and marketable title to the Property, (ii) it has full authority to enter into and execute this Lease, and (iii) provided Lessee has made rental payments as required hereunder, Lessee shall have quiet enjoyment of the Premises.

15. Marking and Lighting Requirements. Lessor accepts sole responsibility for the Property's compliance with all tower or building marking and lighting regulations promulgated by the Federal Aviation Administration ("FAA") or the "FCC", as applicable, except that Lessee shall be responsible for compliance if required solely due to the

installation of Lessee's Equipment on the roof of the Hotel. The defaulting party under this Section shall indemnify and hold the other party harmless from any fines or other liabilities caused by the defaulting party's failure to comply with such requirements. Should Lessor determine that it is economically disadvantageous to comply with this provision, however, Lessor, at its sole option, may terminate this Lease immediately upon notice to Lessee.

16. **Notices.** All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed validly given if personally delivered or sent via overnight courier providing proof of service, or sent by certified mail, return receipt requested, as follows (or any other address that the party to be notified may designate by like notice to the sender):

If to Lessor:

The H. V. Motor Inn, Inc.
810 Cricklewood Drive
State College, Pennsylvania 16803
Attention: President

With a copy to:

Hampton Inn
11200 York Road
Hunt Valley, Maryland 21031
Attention: General Manager

If to Lessee:

American Personal Communications
One Democracy Center
6901 Rockledge Drive, Suite 600
Bethesda, Maryland 20817
Attention: Legal Counsel

17. **Assignment.** Lessee may, upon notice to Lessor assign or sublease this Lease or any interest herein to any corporation, partnership or other entity which (i) is controlled by, controlling or under common control with Lessee, (ii) shall merge or consolidate with or into Lessee, or (iii) shall succeed to all or substantially all the assets, property and business of Lessee.

18. **Successors and Assigns.** This Lease shall run with the Property. Lessee shall not record this Lease, nor a Memorandum of Lease. This Lease shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

19. **Lessor's Insurance.** Should this Lease cause Lessor's insurance premiums to increase, Lessee shall reimburse Lessor for such actual premium increase within thirty (30) days of presentment by Lessor to Lessee of the appropriate documentation evidencing the increase and the basis of the charge to Lessee. Should Lessee fail to reimburse Lessor for said insurance premium increase within said time, Lessor may terminate this Lease upon notice to Lessee.

20. **Miscellaneous.** This Lease constitutes the entire agreement between the parties and supersedes all prior written and verbal agreements, representations, promises or understandings between the parties hereto. Any amendments to this Lease must be in writing and executed by both parties. If any provision of this Lease is invalid or unenforceable with respect to any party, the remainder of this Lease or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, The parties hereto, consenting to be legally bound, have placed their hands and seals below as of the date set forth hereinabove.

LESSOR:
THE H. V. MOTOR INN, INC.

By: 

Michael E. Szczesny

Its: President

LESSEE:
AMERICAN PCS, L. P.

By: 

W. Scott Schelle

Its: Chief Executive Officer

Exhibit A
Property

1. The street address of the Property is:

11200 York Road
Hunt Valley, Maryland 21031

2. The Property is recorded in the land records of Baltimore County, Maryland, and more particularly described as follows:

BEGINNING FOR THE SAME at a concrete monument heretofore set on the west right of the way line of York Road (U. S. Route 110) as shown on the State Highway Administration Right of Way Plat No. 13457; said point of beginning being situated at the beginning of the first line of land which by Deed dated August 2, 1977 and recorded among the Land Records of Baltimore County in Liber 5786, folio 312 was conveyed by Round Hill Corporation to Christian G. Hayes, et al.; thence running from said point of beginning and binding along the west right of way line of York Road, referring all courses to the True Meridian as established for the Baltimore County Metropolitan District, North 18 degrees 37 minutes 50 seconds West 248.25 feet to an iron pipe now set; thence leaving York Road and running South 84 degrees 52 minutes 12 seconds West 228.34 feet to an iron pipe heretofore set at the end of the third or North 19 degrees 43 minutes 45 seconds West 287.36 foot line of land described in Schedule "A" in the Deed by and between Harry L. Schultz, Jr., Bankers Trust Company and Baltimore Gas and Electric Company, dated May 23, 1973 and recorded in Liber 5362, folio 916; thence binding reversely along said line South 19 degrees 29 minutes 12 seconds East 287.35 feet to a brass disc marked B.G. & E. 3 on top of the concrete monument; thence running North 75 degrees 06 minutes 38 seconds East 218.20 feet to the point of beginning; containing 1.3500 acres more or less.

SUBJECT, however, to a 50 foot right of way or permanent easement for ingress and egress, adjacent and North of the last line of the above described parcel granted to the Baltimore Gas and Electric Company and described in both Deeds mentioned in the foregoing paragraph.

The Property is subject to a Deed of Easements for slopes, as set forth in a Deed dated May 16, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5634, folio 603, from Harry L. Schultz, Jr. to the Baltimore Gas and Electric Company, and subject to all of the privileges and rights granted to the said Baltimore Gas and Electric Company as therein set forth.

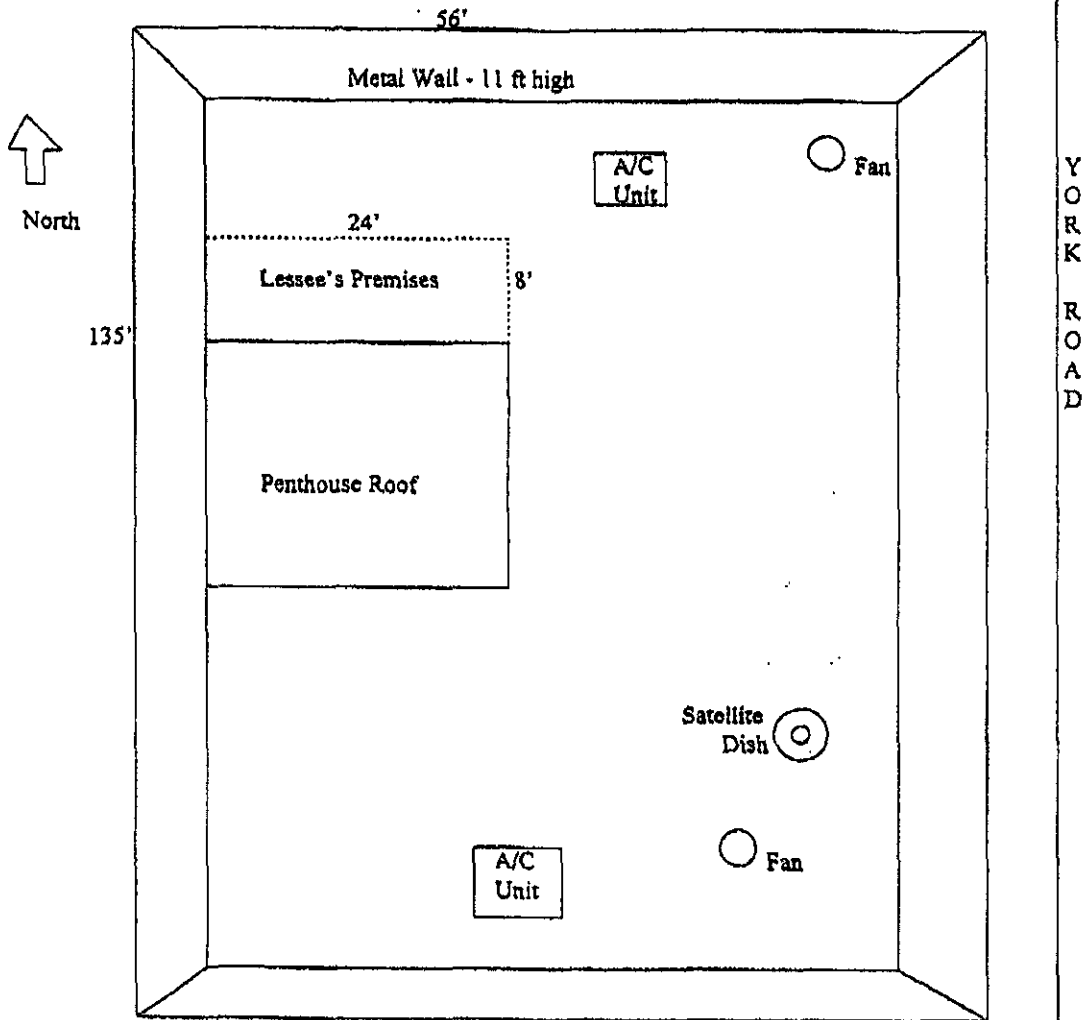
The Property is also subject to slope easements granted to the State of Maryland as shown on Plat No. 13467 of the State Roads Commission of Maryland for the widening of York Road.

The improvements being known and designated as 11200 York Road and Ashland Road, Hunt Valley, Maryland 21031.

Exhibit B
Premises

The Premises shall consist of the following:

1. Rooftop, and/or penthouse space on the Property sufficient to accommodate the Equipment.



Should Lessee desire to mount any of its antennas externally on the Hotel, such mountings shall be restricted to only the rear section of the Hotel and shall be subject to Lessor's approval which approval may not be unreasonably withheld, delayed or conditioned.

[An as-built drawing depicting the Premises shall replace this Exhibit (not drawn to scale)].

Exhibit C
Equipment

1. The following Equipment together with any associated wires, cables, pipes, and conduits attached thereto and supporting structures associated therewith shall be located on the Premises.

<u>Approximate Quantity</u>	<u>Type</u>	<u>Approximate Size</u>
2	Equipment Cabinets Housing Base Station	4'11" width x 4'5 height x 1'8" depth
6	Panel Antennas	7' height x 1' width
2	Communications Link Dishes	24" diameter

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO THE LEASE AGREEMENT, dated as of this 31st day of January, 1996, (this "Lease") by and between THE H. V. MOTOR INN, INC., a Maryland Corporation, ("Lessor") and AMERICAN PCS, L.P., a Delaware limited partnership ("Lessee"), hereby amends the LEASE AGREEMENT dated January 30, 1996.

WITNESSETH:

WHEREAS, Lessor and Lessee desire to amend certain provisions of the LEASE AGREEMENT.

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto covenant and agree as follows:

Section 4 of the LEASE AGREEMENT shall be deleted in its entirety and replaced with the following revised Section 4:

4. **Term.** The initial term of the Lease shall be five years ("Initial Term"), commencing the earlier of the date Lessee begins alteration of the Premises or January 1, 1996 ("Commencement Date"). It is the desire of both parties to extend this Lease at the end of the Initial Term if mutual agreement is reached on the amount of rent to be paid for any additional renewal term ("Renewal Term"). Both parties hereto agree to commence negotiations regarding the rent for a Renewal Term, if any, prior to six (6) months before the expiration of the Initial Term.

Except as modified herein, all of the terms, covenants and conditions contained in the LEASE AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, The parties hereto, consenting to be legally bound, have executed this First Amendment as of the date set forth hereinabove.

LESSOR:
THE H. V. MOTOR INN, INC.

By: 

Michael E. Szczepny

Its: President

LESSEE:
AMERICAN PCS, L.P.

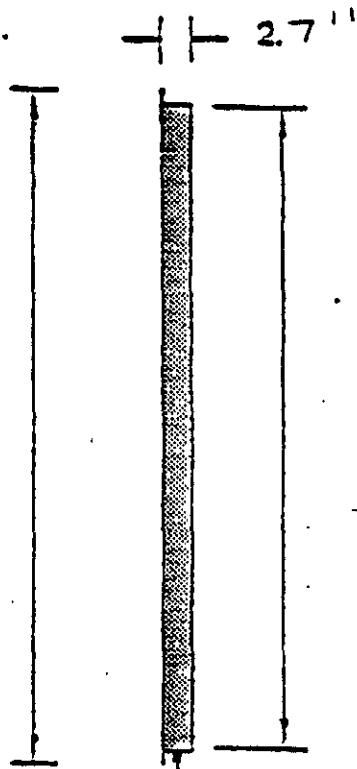
By: 

W. Scott Schelle

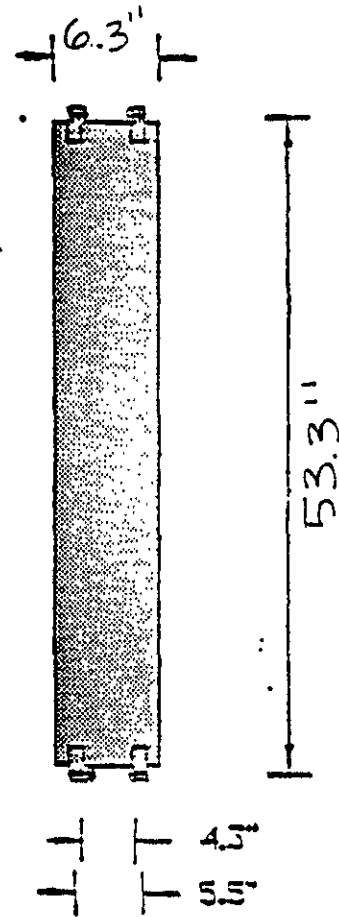
Its: Chief Executive Officer

PANEL ANTENNA

SIDE VIEW



REAR VIEW



TOP VIEW



F_1

F_2

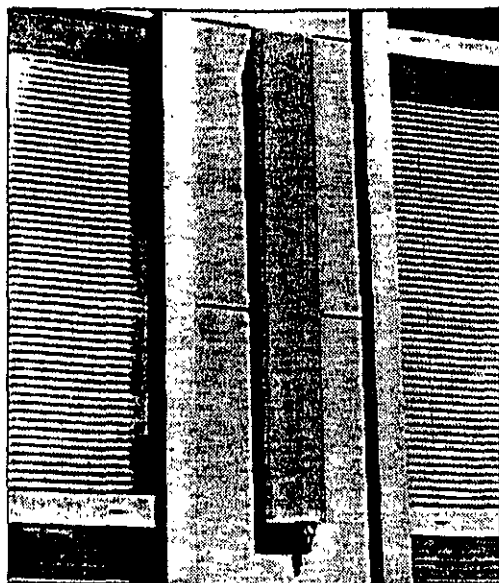
WIND LOAD (at 100 mph)

F_1 (N)	363 N
F_2 (N)	160 N

PLANCHE

Model 58000 / 58010 92°, 15 dBd PCS Panel

(a member of the DAPA QuintStar™ family of PCS panels)



GENERAL CHARACTERISTICS

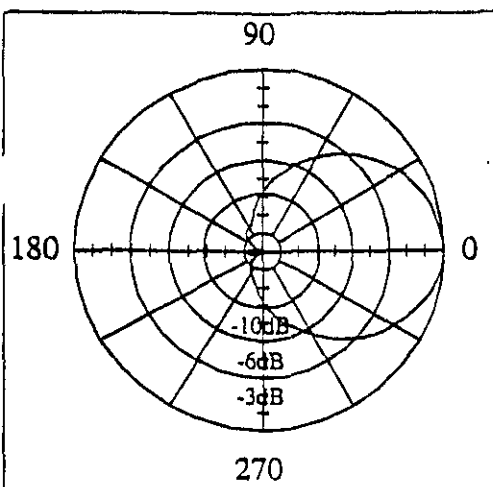
Frequency Range	1710 - 1990 MHz
Impedance	50 Ω
VSWR	< 1.5:1
Polarization	Vertical
Rated Power	500 W

ELECTRICAL CHARACTERISTICS

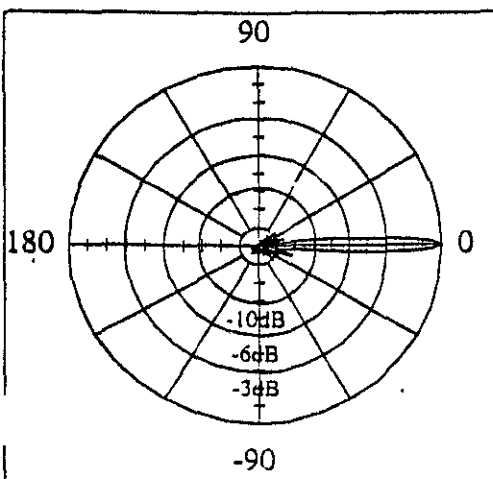
Beamwidth:	H-plane	92° \pm 3° (at -3 dB)
	E-plane	7° \pm 1° (at -3 dB)
Maximum / Minimum Gain		15 dBd / 14 dBd
Electrical Downtilt		0° (available -1° to -15°)
Side Lobes		< -15 dB
Front-to-Back Ratio		< -25 dB

MECHANICAL CHARACTERISTICS

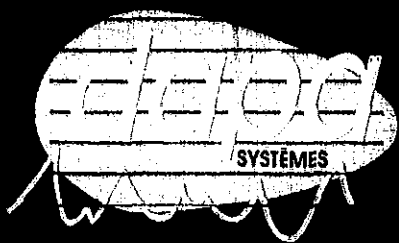
Height x Width x Depth	53.3" x 6.3" x 2.7" (1353 x 159 x 68 mm)
Weight	11 lbs (5 kg)
Wind Survival Rating	125 mph (200 km/h)
Wind Load (at 100 mph)	363 N (frontal F1) 160 N (lateral F2)
Flat Plate Equivalent Area	2.31 ft ² (0.22 m ²)
Connector Types	Type N, or 7/16 DIN
Antenna Material	Aluminum / ABS



H-plane



E-plane



PCS PANEL ANTENNAS

59010 90° 16.4 dBd



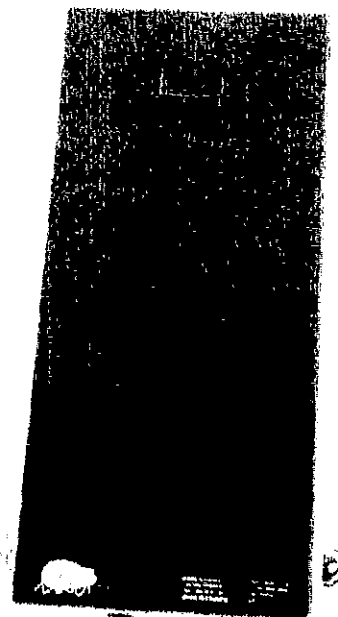
48010 60° 16.6 dBd



56010 90° 13.5 dBd

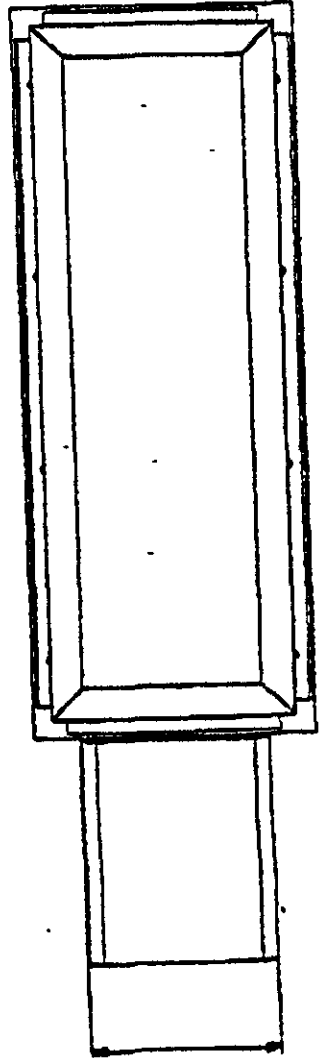


44010 60° 12.5 dBd



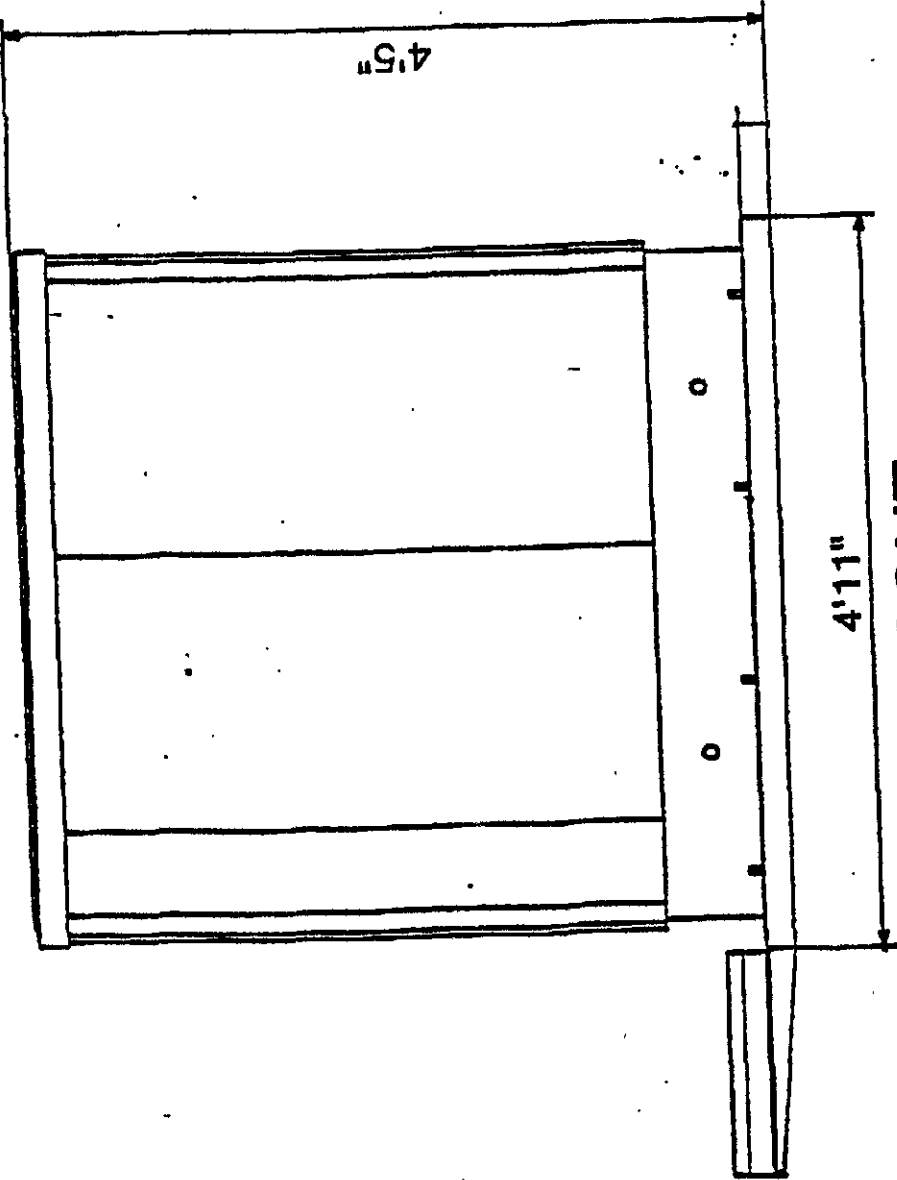
EQUIPMENT CABINET

TOP



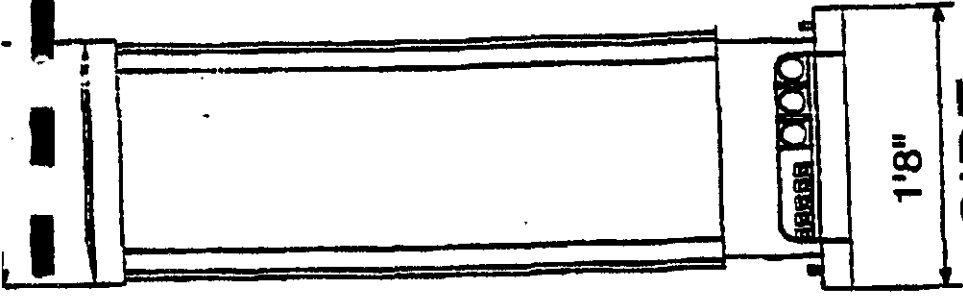
FRONT

4'11"



SIDE

1'8"



1.2 OUTDOOR MINI BTS

1.2.1 Cabinet Dimensions

The cabinets dimensions are (W x H x D): 1.4 x 1.35 x 0.5 m³

The Outdoor MiniBTS consists of a base cabinet which may be used as a single cabinet or connected to one expansion cabinet. The dimensions of the cabinet are:

Height:	1.35 m	(4'5)
Width:	1.5 m	(4'11)
Depth:	0.5 m	(1'8)

The cabinets are provided with a 200mm (8") high plinth which holds the batteries. The plinth can be buried in case of road side installation.

1.2.2 Weights

The following table give the weight for typical outdoor MiniBTS configurations (batteries weight required for a 2 hours back up time for all configurations):

(a MiniBTS configuration is typically shipped fully equipped)

MiniBTS outdoor	Without batteries	With batteries
BTS 1 TRX	357 kg/787 lb.	445 kg/981 lb.
BTS 2 TRX	375 kg/827 lb.	463 kg/1021 lb.
BTS 3 TRX	392 kg/864 lb.	480 kg/1058 lb.
BTS 4 TRX (Only Expansion Cabinet)	Expans. cab.: 398 kg/877 lb.	Expans. cab.: 486 kg/1071 lb.

The floor loading of a fully equipped cabinet does not exceed 7 kN/m² (Uniform Distributed Load (UDL) based on the footprint of 1500 mm x 500 mm).

It is recommended that if installed in an indoor location, the site floor should be able to handle an average floor load of 600 daN/m².

1.2.3 Clearance

For the MiniBTS the operational clearance is 1.5 m/5' on the front side and 300 mm/11.8" on the back side. As all external connections are from a side compartment located on the left of the cabinet, a 1m/3' clearance is also required on the left side of the cabinet. The spacing required at the top of the cabinet (to the ceiling) need be no greater than 500 mm. -







United States of America
Federal Communications Commission

RADIO STATION AUTHORIZATION
Commercial Mobile Radio Services
Personal Communications Service - Broadband

American Personal Communications
One Democracy Center
6901 Rockledge Drive
Suite 600
Bethesda, Maryland 20817

Call Sign: KNL200
Market: M10
Washington-Baltimore
Frequency Block: A
File Number: 15000-CW-L-94

The licensee hereof is authorized, for the period indicated, to construct and operate radio transmitting facilities in accordance with the terms and conditions hereinafter described. This authorization is subject to the provisions of the Communications Act of 1934, as amended, subsequent Acts of Congress, international treaties and agreements to which the United States is a signatory, and all pertinent rules and regulations of the Federal Communications Commission, contained in Title 47 of the U.S. Code of Federal Regulations.

Initial Grant Date December 13, 1994
Five-year Build Out Date December 13, 1999
License Expiration Date December 13, 2004

CONDITIONS:

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, (47 U.S.C. § 309(h)), this license is subject to the following conditions: This license does not vest in the licensee any right to operate a station nor any right in the use of frequencies beyond the term thereof nor in any other manner than authorized herein. Neither this license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended (47 U.S.C. §§ 151, *et seq.*). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended (47 U.S.C. § 606).

This authorization requires that American Personal Communications shall construct a 30 MHz broadband Personal Communications Services system on Frequency Block A (1850-1865 MHz/1930-1945 MHz) in the Washington-Baltimore MTA that substantially uses the design and technology upon which the pioneer's preference award to American Personal Communications was based. This condition expires upon meeting the five-year build-out requirement in 47 C.F.R. § 24.203(a).

This authorization requires that American Personal Communications shall retain control of the license for at least three years from the initial license grant date or until the grantee has met the five-year build-out requirement of 47 C.F.R. § 24.203(a).

CONDITIONS Con't:

This authorization requires that American Personal Communications shall pay to the United States Treasury an amount equal to eighty-five percent (85%) of the adjusted value of its license calculated in accordance with Section 801 of the Uruguay Round Agreements Act of 1994, Pub. L. No. 103-465, Title VIII, 108 Stat. 4809 (enacted Dec. 8, 1994) (to be codified at 47 U.S.C. § 309 (j)(13)) and with a subsequent order specifying payment procedures and amounts thirty (30) days after the Memorandum Opinion and Order, FCC 94-318, and the order granting American Personal Communications a pioneer's preference become final orders, that is, the orders are no longer subject to administrative reconsideration or judicial review, appeal, or stay.

WAIVERS:

No waivers associated with this authorization.

Jules Cohen, P.E.
Consulting Engineer

**RADIO FREQUENCY EXPOSURE CONSIDERATIONS
APPLICABLE TO PERSONAL COMMUNICATIONS SYSTEM
BASE STATIONS**

Pursuant to a request from American Personal Communications (APC), a study has been made of the radio-frequency exposure considerations applicable to Personal Communications System base stations. The results of that study are provided below.

As described more fully below, the conclusion of the study is that the maximum level of exposure to radio-frequency energy for a person walking or standing at ground level in the near vicinity of the elevated PCS base station antenna would be far below the maximum permissible exposure set by the American National Standards Institute (ANSI) in 1992. That standard (*ANSI/IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz*) is known as ANSI/IEEE C95.1-1992.

In the opening paragraph of ANSI/IEEE C95.1-1992, the statement is made: "Recommendations are made to prevent harmful effects in human beings exposed to electromagnetic fields in the frequency range from 3 kHz to 300 GHz. These recommendations are intended to apply to exposures in controlled, as well as uncontrolled, environments." The Federal Communications Commission, the Federal Government licensing agency for non-government users of the radio-frequency spectrum, has proposed adopting ANSI/IEEE C95.1-1992 as its environmental guide, replacing the 1982 ANSI standard.

The 1992 standard was prepared by a committee with about 125 participants. The committee included biologists, medical doctors, physiologists, medical statisticians and engineers from academia, government and industry, with industry participants being in the

Jules Cohen, P.E.
Consulting Engineer

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minority. In arriving at its conclusions of maximum permissible exposure to radio-frequency fields, the scientific literature was reviewed and a determination made of that exposure level that appeared to be the threshold for the appearance of biological effects possibly harmful if exposure continued over a substantial period of time. An additional safety factor of fifty below the threshold level was applied for "uncontrolled" environments, that applicable to the general public.

Base stations operated by APC transmit in the frequency band 1930 to 1945 megahertz (millions of cycles per second - abbreviated as MHz) to mobile units. The maximum transmitter power output is only 20 watts. To provide satisfactory service, an antenna is used that directs the power toward the horizon, with very little power directed downward. The maximum equivalent power directed to the horizon is normally not in excess of 200 watts.

In addition to the transmission described in the above paragraph, some base sites are equipped with two microwave relay transmitters used to interconnect base sites. These systems use transmitter output of only 0.05 watt and operate at a frequency of approximately 38,000 MHz. The antennas used for the relay service are highly directional and make a negligible contribution to the total radio-frequency exposure at the sites where used.

Because of the low power used, and the direction of maximum radiation toward the horizon to maximize service, the exposure level, even directly below the antenna system of the base station is only a small fraction of the permitted level of 1.29 milliwatts per square centimeter (mW/cm^2) specified by ANSI/IEEE for the uncontrolled environment. In the following tables, the calculated exposure level is shown at head height (six feet above ground) for three antenna heights likely to be used by APC.

Jules Cohen, P.E.
Consulting Engineer

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RF EXPOSURE FROM PCS ANTENNA 100 FEET ABOVE GROUND LEVEL			
<u>Hor. Distance</u> (feet)	<u>Power Density</u> (mW/cm ²)	<u>% of Uncontrolled</u> <u>MPE</u>	<u>Safety Factor</u>
0	0.000102	0.0079	635,000
10	0.000100	0.0078	642,000
30	0.000092	0.0071	699,000
50	0.000079	0.0061	815,000
100	0.000048	0.0037	1,360,000
200	0.000050	0.0039	1,300,000
300	0.000025	0.0019	2,620,000
400	0.000038	0.0030	1,690,000
500	0.000025	0.0019	2,620,000
1000	0.000011	0.0009	5,360,000
2000	0.000010	0.0007	6,450,000
3000	0.000006	0.0005	11,000,000
4000	0.000004	0.0003	16,000,000

Jules Cohen, P.E.
Consulting Engineer

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RF EXPOSURE FROM PCS ANTENNA 125 FEET ABOVE GROUND LEVEL			
<u>Hor. Distance</u> (feet)	<u>Power Density</u> (mW/cm ²)	<u>% of Uncontrolled</u> <u>MPE</u>	<u>Safety Factor</u>
0	0.000063	0.0049	1,020,000
10	0.000063	0.0049	1,030,000
30	0.000059	0.0046	1,090,000
50	0.000054	0.0042	1,200,000
100	0.000037	0.0029	1,740,000
200	0.000026	0.0020	2,460,000
300	0.000015	0.0012	4,310,000
400	0.000037	0.0029	1,750,000
500	0.000024	0.0019	2,650,000
1000	0.000006	0.0005	10,750,000
2000	0.000010	0.0007	6,450,000
3000	0.000006	0.0005	11,000,000
4000	0.000003	0.0003	19,000,000

Jules Cohen, P.E.
Consulting Engineer

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American Personal Communications

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RF EXPOSURE FROM PCS ANTENNA 150 FEET ABOVE GROUND LEVEL			
<u>Hor. Distance</u> (feet)	<u>Power Density</u> (mW/cm ²)	<u>% of Uncontrolled</u> <u>MPE</u>	<u>Safety Factor</u>
0	0.000043	0.0033	1,500,000
10	0.000043	0.0033	1,500,000
30	0.000041	0.0032	1,560,000
50	0.000038	0.0030	1,680,000
100	0.000029	0.0023	2,220,000
200	0.000023	0.0018	2,760,000
300	0.000022	0.0017	2,940,000
400	0.000013	0.0010	4,800,000
500	0.000024	0.0018	2,710,000
1000	0.000006	0.0005	10,200,000
2000	0.000006	0.0004	11,000,000
3000	0.000004	0.0003	15,000,000
4000	0.000003	0.0003	19,000,000

Jules Cohen, P.E.
Consulting Engineer

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Even in the main beam of the 1900 MHz antenna, a location not usually accessible, uncontrolled environment criteria are not exceeded until within about five feet of the antenna. Mounting of the antenna is necessarily such that interception of the maximum field is not possible for anyone other than maintenance personnel. An important criterion in designing the mounting arrangement, is that no obstructions may be introduced in the antenna's vicinity.

The conclusion of the study made is that operation of a base station, with antennas mounted as described, is well within the standards for exposure of humans to radio-frequency radiation. Those standards were promulgated to provide a safe environment for workers and the population at large.



Jules Cohen, P.E.

June 29, 1995



NEWS

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information 202 / 632-505
Recorded listing of releases and texts
202 / 632-0001

43428

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

Report No. DC-2613

ACTION IN DOCKET CASE June 9, 1994

FCC ADOPTS MODIFICATIONS TO PCS BAND PLAN; CREATES SIGNIFICANT
BENEFITS FOR CONSUMERS AND BUSINESSES
(GEN DOCKET 90-314)

The Commission today unanimously modified its rules governing broadband Personal Communication Services (PCS). The modifications will result in lower prices for consumers in the form of decreased equipment and service charges, lower start-up costs for the industry and will have a significant impact in promoting a robust and competitive wireless marketplace, helping to create new jobs. Moreover, the Commission's action facilitates participation in the broadband PCS industry by small businesses, rural telephone companies, and businesses owned by women and minorities. The Commission took this action in response to 67 petitions for reconsideration or clarification of the rules and policies adopted last September in the Second Report and Order of this proceeding.

Personal Communications Services are the next generation of wireless communications that will help meet our ever more mobile society's rapidly growing demands for on-the-go communications. PCS will include small, lightweight multi-function portable phones, portable facsimile and other imaging devices, new types of multi-channel cordless phones, and advanced paging devices with two-way data capabilities. These new services and devices should significantly improve the flexibility and functionality of all telecommunications networks. They will make possible the vision of communications anytime, anywhere, to anyone.

STATEMENT OF THE HONORABLE REED E. HUNDT
CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION
1 NOVEMBER 1994
REGARDING
FCC ANNOUNCEMENT OF THE STATUS OF APPLICATIONS
TO PARTICIPATE IN THE DECEMBER 5, 1994 AUCTION OF
99 MTA LICENSES TO PROVIDE PERSONAL COMMUNICATION SERVICES
IN THE 2 GHZ BAND (BROADBAND PCS);
AUCTION TO BE HELD AT FCC AUCTION FACILITY AT
THE POSTAL SQUARE BUILDING, 2 MASSACHUSETTS AVENUE, N.E.,
WASHINGTON, D.C.

"... No one knows how much the December 5 auction will add to that total. But the other

consequences of the auction will be far more important than the money raised. It will launch a
new industry, generating economic growth and new jobs. It will increase competition in

telecommunications, accelerating the development and introduction of new technology and
reducing rates for consumers. American industry's world leadership in productivity is often

attributed to our lead in communications and information. The auction will help insure that
America maintains that lead.

The wireless phone competitors appear to have one goal in common: they want to be your phone
company -- or one of your phone companies. Wireless phones will no longer be status symbols
of the rich and famous. Competition will reduce wireless phone rates dramatically and put the
technology within financial reach of most American homes and businesses. Just the advent of
this competition has begun to reduce prices: monthly cellular prices fell by more than 12 percent
in the past year, a drop most analysts attribute to industry anticipation of a more competitive
market. ..."



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 1, 1996

Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania, Suite 400
Towson, MD 21204

RE: Item No.: 293
Case No.: 96-292-XA
Petitioner: Federated National
Inc. Owners of
B.T. Motor Inn, Inc.

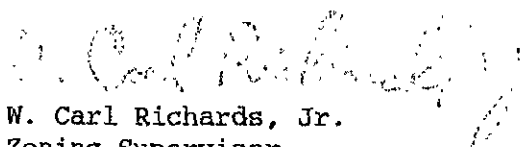
Dear Ms. McSherry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 2, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

ENCLOSURE



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 20, 1996
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for February 20, 1996
Items 253 (revised), 269 (revised), 286, 287, 6
290, 292 and 293

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

6/26/96

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 286, 287, 288, 289, 290,
292 AND 293.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: February 14, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 293

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Odny L. Kerns

PK/JL



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 19, 1997

Mr. Kevin L. Mason
Entel Technologies, Inc.
1110 North Glebe Road, Suite 850
Arlington, VA 22201

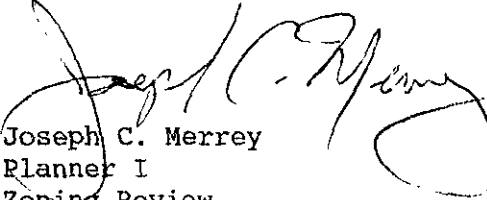
RE: Spirit and Intent
11200 York Road
8th Election District

Dear Mr. Mason:

Upon review of your correspondence dated March 6, 1997 regarding the above referenced matter, please be advised that it is the opinion of this office that your request to upgrade and expand the subject facility with: Six (6) panel antennas measuring 48 inches in height x 6.1 inches in width x 2.8 inches in depth; and, three (3) equipment cabinets measuring approximately 6.0 inches in height x 30 inches in width x 30 inches, is within the spirit and intent of zoning case #96-292-XA.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


Joseph C. Merrey
Planner I
Zoning Review

JCM:rye

Enclosure

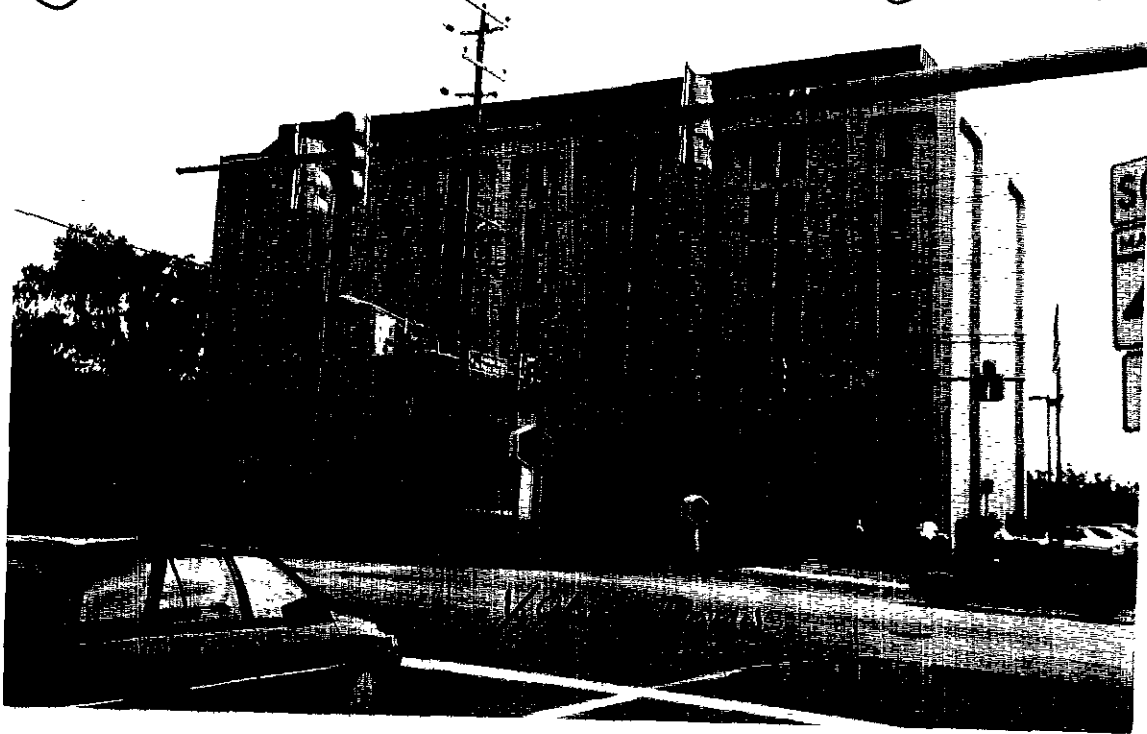
ENCLOSURE



①

The FRONT

BAN023A



②

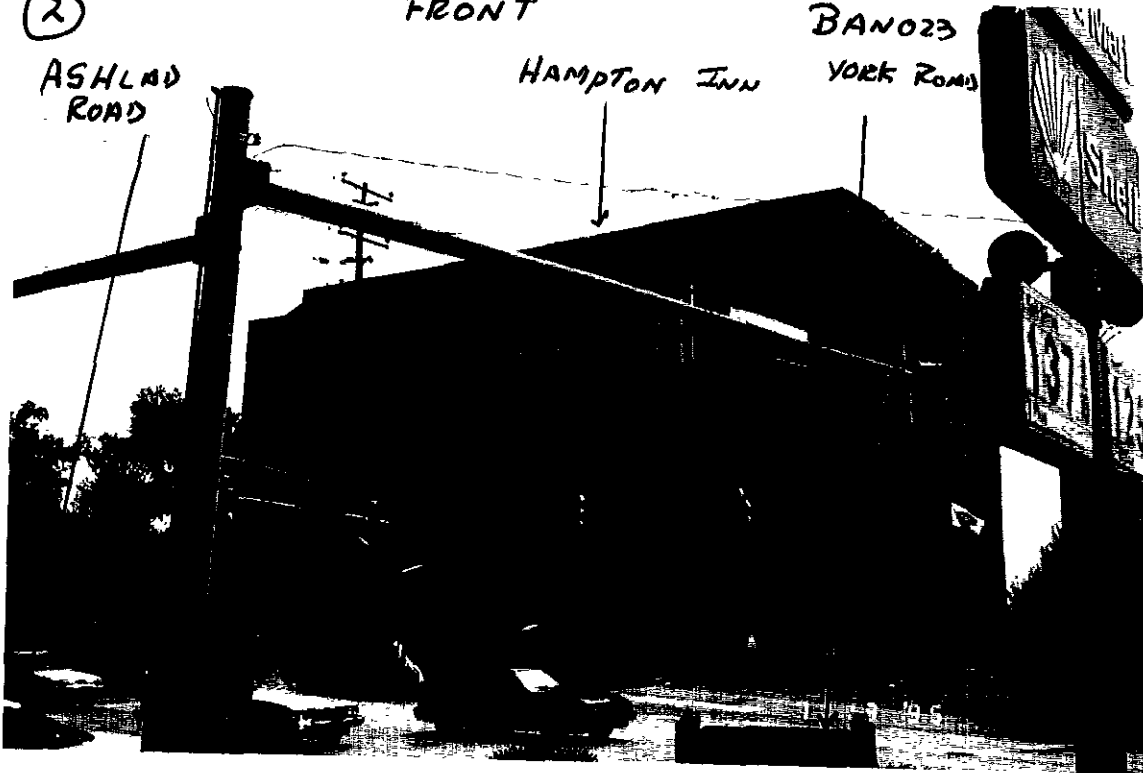
FRONT

BAN023

ASHLAD
ROAD

HAMPTON INN

YORK ROAD





BAND 23A
SOUTH WEST

⑦



BAND 23A
SOUTH EAST

⑤



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-14-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 293 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Street Address: 707 North Calvert Street, Baltimore, Maryland 21202

RECEIVED

⑤

BAN023A
NORTHEAST

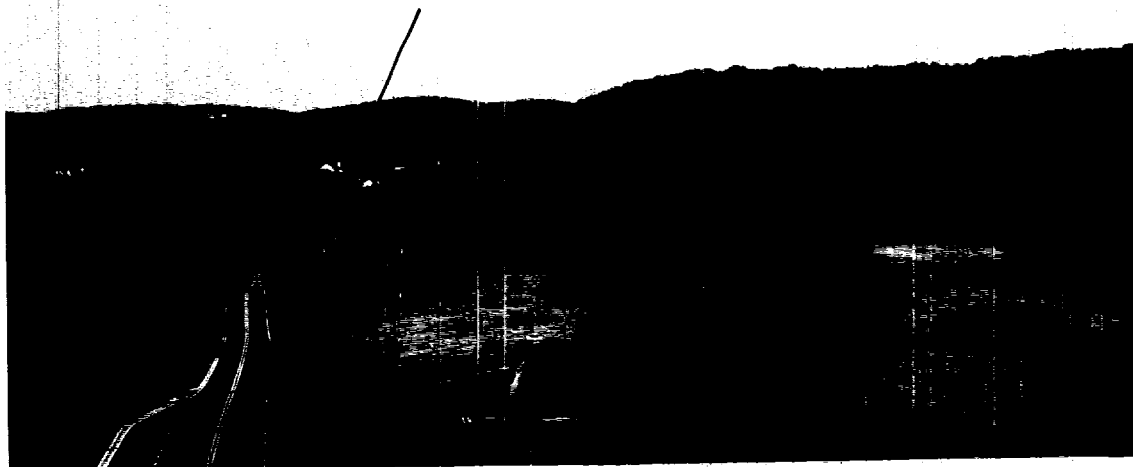
ASHLAND RD



④

BAN023A
EAST

ASHLAND RD



IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE, W/S York Road opposite Ashland Road 11200 York Road 8th Election District 3rd Councilmanic District Federated Nat'l, Inc., owners of B.T. Motor Inn, Inc., Legal Owner American PCS, L.P., Lessee Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 96-292-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both Petitions for Special Exception and Variance for the property located at 11200 York Road in Hunt Valley. The Petition is filed by National Federated, Inc., property owner, and American PCS, L.P., (hereinafter known as "APC") Lessee. Special Exception relief is requested to approve a wireless transmitting and receiving facility, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (BCZR). In the alternative, variance relief is requested, pursuant to Section 426.1.B. of the BCZR, to permit a minimum setback of 118 ft. from an R.O. zone in lieu of the required 200 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case were Kevin Mason and Andrew Wojniak on behalf of APC, co-Petitioner. Also present was Robert Morelock from Daft, McChene, Walker, Inc.. The Petitioner was represented by David K. Gildea, Esquire. There were no Protestants or other interested persons present.

This is another in a series of cases which have recently come before this Zoning Commissioner filed by APC, a communications provider. APC is

in the business of providing cellular mobile communication services in the Baltimore Metropolitan area. The company specializes in providing wireless telephone and computer data transmissions. As is the case with similar providers, the company finds it necessary to install antennas at strategic locations throughout the County to establish its communication network. These antennas are most often erected on existing buildings and structures. In fact, the BCZR encourages placement of antennas on existing buildings, to reduce the proliferation of monopole construction throughout the County.

Proffered testimony and evidence presented was that APC has identified the subject property as appropriate for the installation of antennas. The site is owned by Federated National, Inc. and the property is improved with a seven story stucco building known as the Hampton Inn. Numerous photographs of the site were submitted at the hearing and this Zoning Commissioner is familiar with the property. The Hampton Inn is a hotel located near the Hunt Valley Industrial Park in northern Baltimore County. The property is adjacent to York Road and across from Ashland Road. The site is near I-83 and York Road, major traffic corridors in northern Baltimore County. It was indicated that the subject antennas would fill a hole in the existing communications network and also increase capacity in this highly traveled area.

The Petitioner comes before me seeking alternative relief. The Petition for Special Exception is filed, pursuant to Section 236.4 of the BCZR. That section identifies uses permitted by special exception in the B.R. zone. The subject property is zoned B.R.-I.M. Section 236.4 indicates that wireless transmitting and receiving facilities are permitted by special exception when such uses are not permitted by right under Section 426.

- 2 -

Section 426 would allow wireless transmitting and receiving facilities by right in a B.R. zone if certain criteria were met. In this case, the antenna will be set back a distance of 118 ft. from an R.O. zone. In that Section 426.1 requires a 200 ft. setback, the Petitioners are not eligible for relief by right under Section 426.1 of the BCZR.

In my judgment, the appropriate relief to be granted here is under the Petition for Special Exception. It is clear that the proposed use would not be detrimental to the health, safety or general welfare of the locale and meets the tests contained in Section 502 of the BCZR. In this regard, the Petitioners submitted a packet of material (Petitioners' Exhibit No. 3) which describes the antennas fully and establishes the fact that they will not result in an adverse impact to the surrounding locale. Variance relief is not necessary from the provisions of Section 426.1 of the BCZR in that the special exception will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of March, 1996 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility from Section 236.4 of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 426.1.B. of the BCZR to permit a minimum setback of 118 ft. from an R.O. zone in lieu of the required 200 ft. be and is hereby DISMISSED AS MOOT, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason,

- 3 -

this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 3/27/96
By LES:mmm

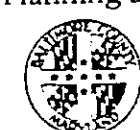
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Date 3/27/96
By LES:mmm

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By LES:mmm

ORDER RECEIVED FOR FILING
Date 3/27/96
By LES:mmm

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4286

March 27, 1996

David Gildea, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Case No. 96-292-XA
Lessee: American PCS, L.P.
Legal Owner: Federated National, Inc., Petitioners
Property: 11200 York Road, Hunt Valley

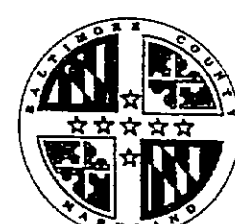
Dear Mr. Gildea and Ms. McSherry:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception has been granted and the Petition for Variance has been dismissed, as moot, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
c: Mr. Michael E. Szczesny, President, Federated National Inc.



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 11200 York Road

96-292-XA which is presently zoned BR-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Wireless transmitting and receiving facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Federated National Inc., Owners of B.T. Motor Inn Inc.

(Type or Print Name) Signature MICHAEL E. SZCZESNY, PRESIDENT

Address: 6901 Rockledge Dr. City: Bethesda, MD 20817

State: MD Zipcode: 20817

City: Bethesda, MD State: MD Zipcode: 20817

City: Bethesda, MD State: MD Zipcode: 20817

City: Bethesda, MD State: MD Zipcode: 20817

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City: Bethesda, MD State: MD Zipcode: 20817



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 11200 York Road

96-292-XA which is presently zoned BR-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (4)

426.1 B To permit a minimum setback of 118' from an R-O zone in lieu of the required 200'.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Federated National Inc., Owners of B.T. Motor Inn, Inc.

(Type or Print Name) Signature MICHAEL E. SZCZESNY, PRESIDENT

Address: 6901 Rockledge Dr. City: Bethesda, MD 20817

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City: Bethesda, MD State: MD Zipcode: 20817

Description 96-292-XA
to Accompany Petition for Special Exception and Variance
1.3 Acre Parcel
The Hampton Inn
11200 York Road
Eighth Election District, Baltimore County, Maryland

DMW

Del McCune-Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21206

(410) 296-3333

Fax: 296-3333

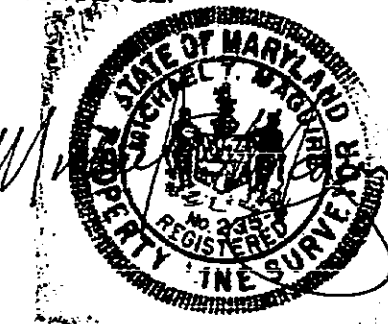
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Ashland Road, 60 feet wide, with the centerline of York Road, width of variable, (1) Northwesterly along the centerline of York Road 28 feet, more or less, thence at a right angle to said York Road (2) Southwesterly 34 feet, more or less, to the point of the beginning, and to the west side of said York Road, thence leaving said point of beginning and running and binding on the west side of said York Road the two following courses and distances, viz: (1) South 19 degrees 20 minutes 35 seconds East 56.36 feet, and thence (2) South 18 degrees 48 minutes 51 seconds East 191.40 feet, thence leaving the west side of said York Road and running the three following courses and distances, viz: (3) South 75 degrees 09 minutes 02 seconds West 218.18 feet, thence (4) North 19 degrees 28 minutes 29 seconds West 287.34 feet, and thence (5) North 85 degrees 06 minutes 31 seconds East 227.12 feet to the point of the beginning; containing 1.3 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 1, 1996

Project No. 94161.66 (L94161.66)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 19, 1997

Mr. Kevin L. Mason
Entel Technologies, Inc.
1110 North Glebe Road, Suite 850
Arlington, VA 22201

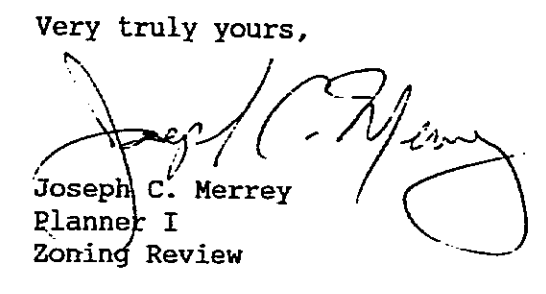
RE: Spirit and Intent
11200 York Road
8th Election District

Dear Mr. Mason:

Upon review of your correspondence dated March 6, 1997 regarding the above referenced matter, please be advised that it is the opinion of this office that your request to upgrade and expand the subject facility with: Six (6) panel antennas measuring 48 inches in height x 6.1 inches in width x 2.6 inches in depth; and, three (3) equipment cabinets measuring approximately 6.0 inches in height x 30 inches in width x 30 inches, is within the spirit and intent of zoning case #96-292-XA.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 857-3391.

Very truly yours,


Joseph C. Herrey
Planning
Zoning Review

JCM:rye
Enclosure

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.
Case #96-292-XA
11200 York Road
Hampton Inn
1/2 mile South of Ashland Road
8th Election District
2nd Councilmanic
Legal Owner: Federated National Inc., owners of B.T. Motor Inn, Inc.
Lessee: American PCS, L.P.
Special Exception for a wireless transmitting and receiving facility.
Variance to permit a minimum setback of 118 feet from a R. O. zone in lieu of the required 200 feet.
Hearing: Friday, March 8, 1996 at 11:00 a.m. in Room 106, County Office Building.
For information concerning the file and/or hearing, please call 887-3391.
3000 Feb. 92 CD998

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/22, 1996
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/22, 1996.

THE JEFFERSONIAN,

A. Henrich
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2-2-96 ACCOUNT R-001-6150

AMOUNT 585.00
585.00 11200 York Rd.
RECEIVED Hampton Inn
FOR Special Exception Permit Fee (Hampton Inn)
FOR Posting

VALIDATION OR SIGNATURE OF CASHIER
DATE 2-2-96 TIME 10:00 PREP. AGENCY YELLOW OUTSIDE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 293

Petitioner:

Location:

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DMW / 90 LLOYD MOXLEY

ADDRESS: 200 EAST FELIX AVE

TOWSON MD 21204

PHONE NUMBER: 296-2333

AJ:ggs

(Revised 04/09/93)

TO: PETITENT PUBLISHING COMPANY
February 22, 1996 Issue - Jeffersonian

Please forward billing to:

Lloyd Moxley
P.O. Box
200 E. Pennsylvania Avenue
Towson MD 21206
296-3333

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-292-XA (Item 293)

11200 York Road
Hampton Inn
1/2 mile South of Ashland Road
8th Election District - 3rd Councilmanic
Legal Owner: Federated National Inc., owners of B.T. Motor Inn, Inc.
Lessee: American PCS, L.P.

Special Exception for wireless transmitting and receiving facility.
Variance to permit a minimum setback of 118 feet from a R. O. zone in lieu of the required 200 feet.

HEARING: FRIDAY, MARCH 8, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 13, 1996

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-292-XA (Item 293)

11200 York Road
Hampton Inn
1/2 mile South of Ashland Road
8th Election District - 3rd Councilmanic
Legal Owner: Federated National Inc., owners of B.T. Motor Inn, Inc.
Lessee: American PCS, L.P.

Special Exception for wireless transmitting and receiving facility.
Variance to permit a minimum setback of 118 feet from a R. O. zone in lieu of the required 200 feet.

HEARING: FRIDAY, MARCH 8, 1996 at 11:00 a.m. in Room 106, County Office Building.

ARNOLD JABLON
DIRECTOR

cc: Federated National Inc.
Christine K. McSherry, Esq.
Margaret C. Rogiers, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 1, 1996

Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania, Suite 400
Towson, MD 21204

RE: Item No.: 293
Case No.: 96-292-XA
Petitioner: Federated National
Inc. Owners of
B.T. Motor Inn, Inc.

Dear Ms. McSherry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 2, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

WCR/jw
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 20, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for February 20, 1996
Items 253 (revised), 269 (revised), 286, 287,
290, 292 and 293

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 02/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 286, 287, 288, 289, 290, 292 AND 293.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

CC: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 14, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 293

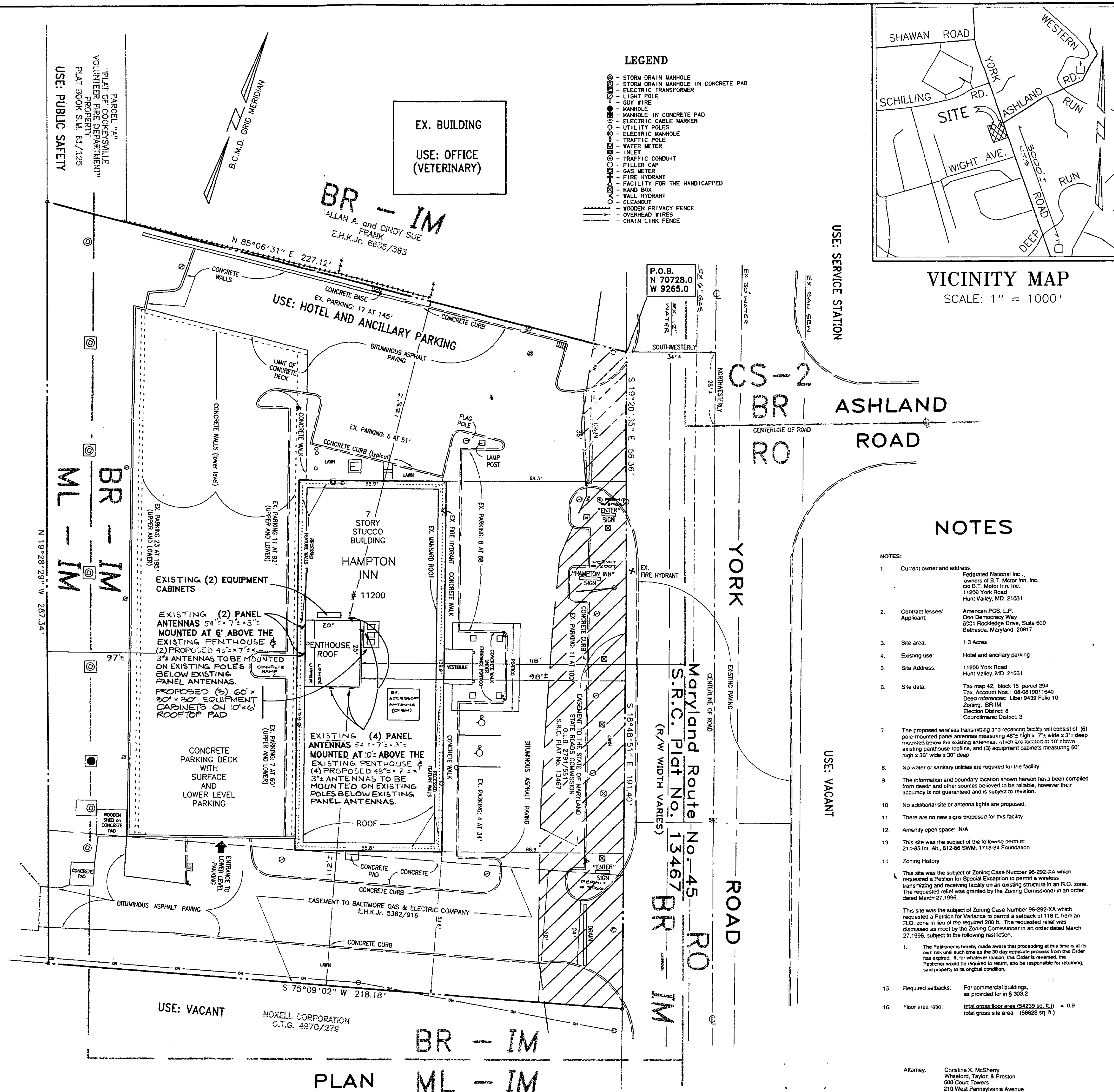
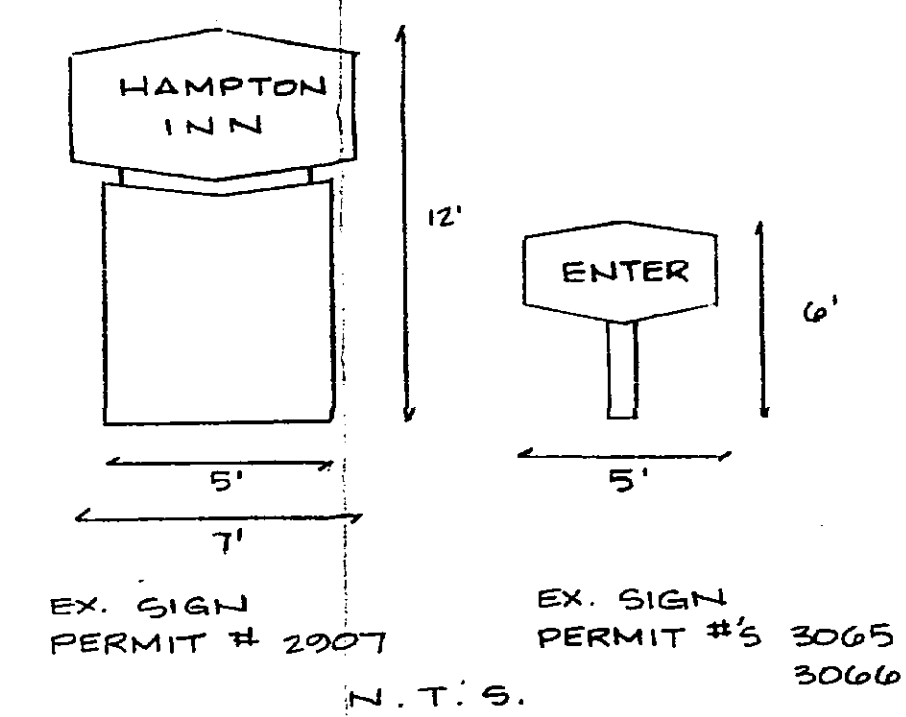
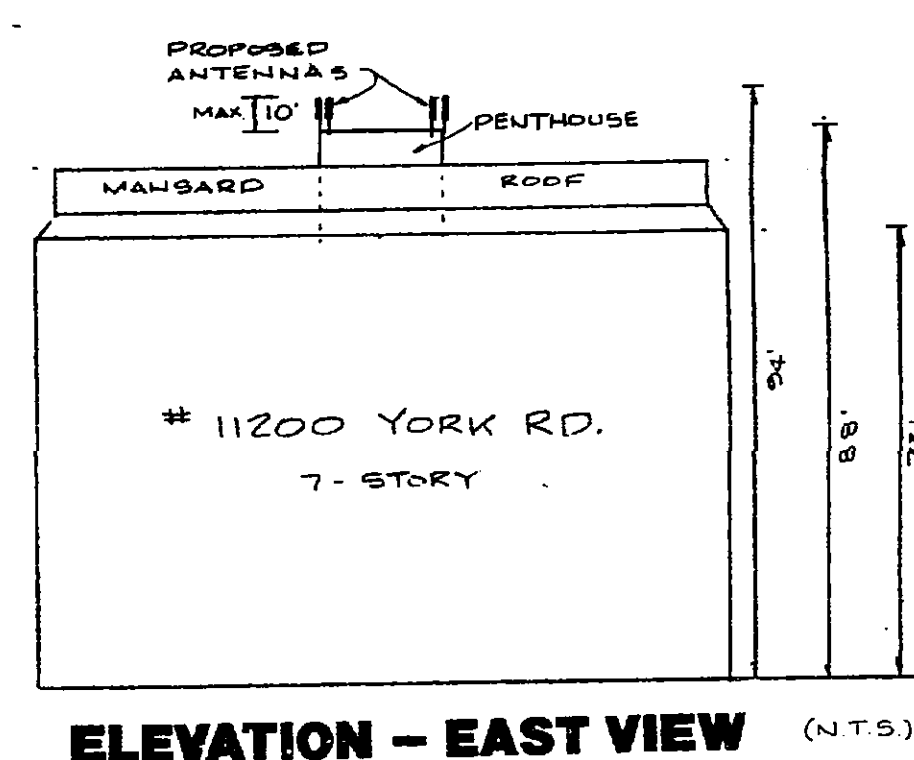
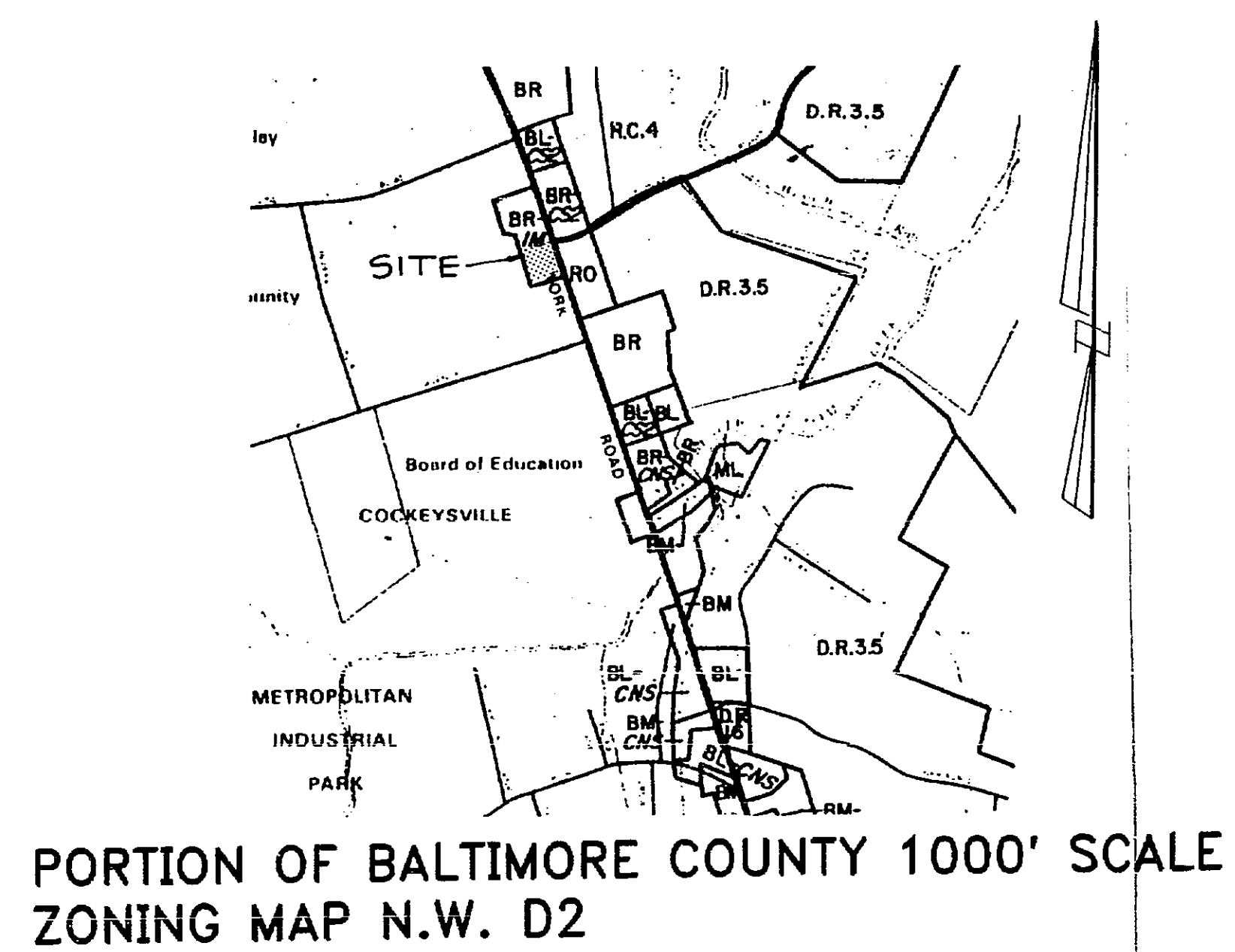
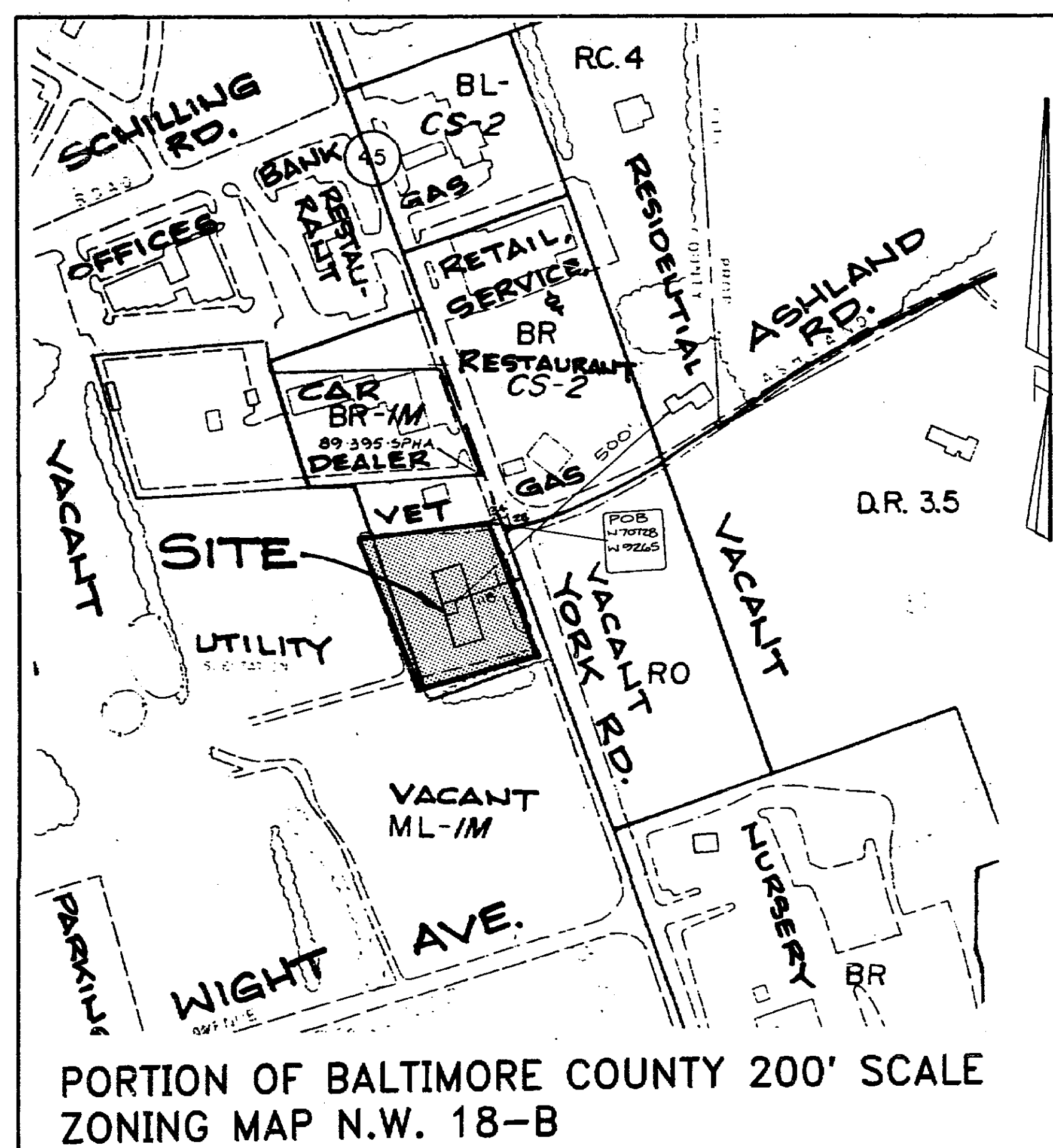
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Pat Keller*

PK/JL

ITEM293/PZONE/ZAC1



SCALE: 1" = 20'

PRINTED
DEC 19 1996

DAFT-McCUNE-WALKER, INC.

DMW
Deft • McCane • Walker, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals
200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
FAX 296 4796

American Personal Communications

SHOW IDMA	13 DEC 9
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	SHOW DATA EQUIPMENT	13 DEC 67
No.	Description	Date
REVISIONS		
Proj. No.	94161.66	
Date	2 FEB 96	
Scale	As Shown	
Last Rev.		

SHEET

1

OF 1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-14-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 293 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

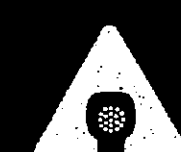
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717



American Personal
Communications

Case No: 96-292-XA Item No: 293

AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY
ZONING COMMISSIONER
March 8, 1996

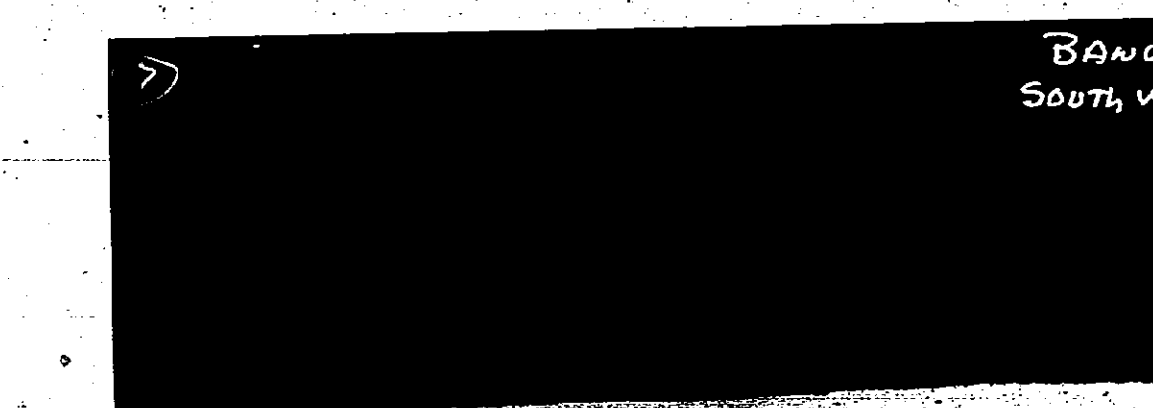
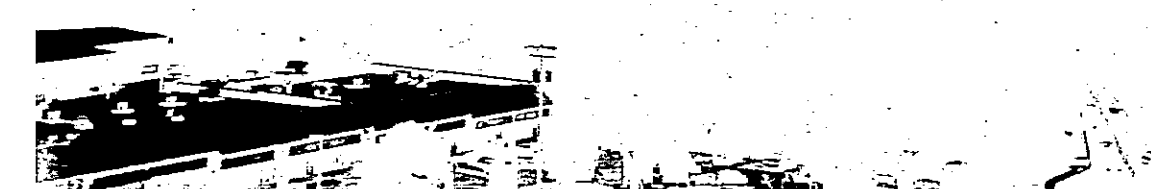
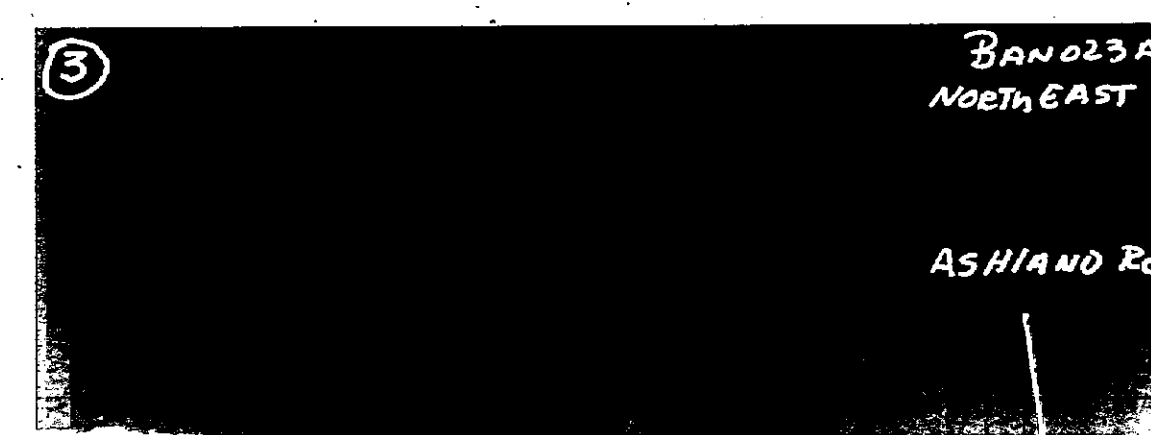
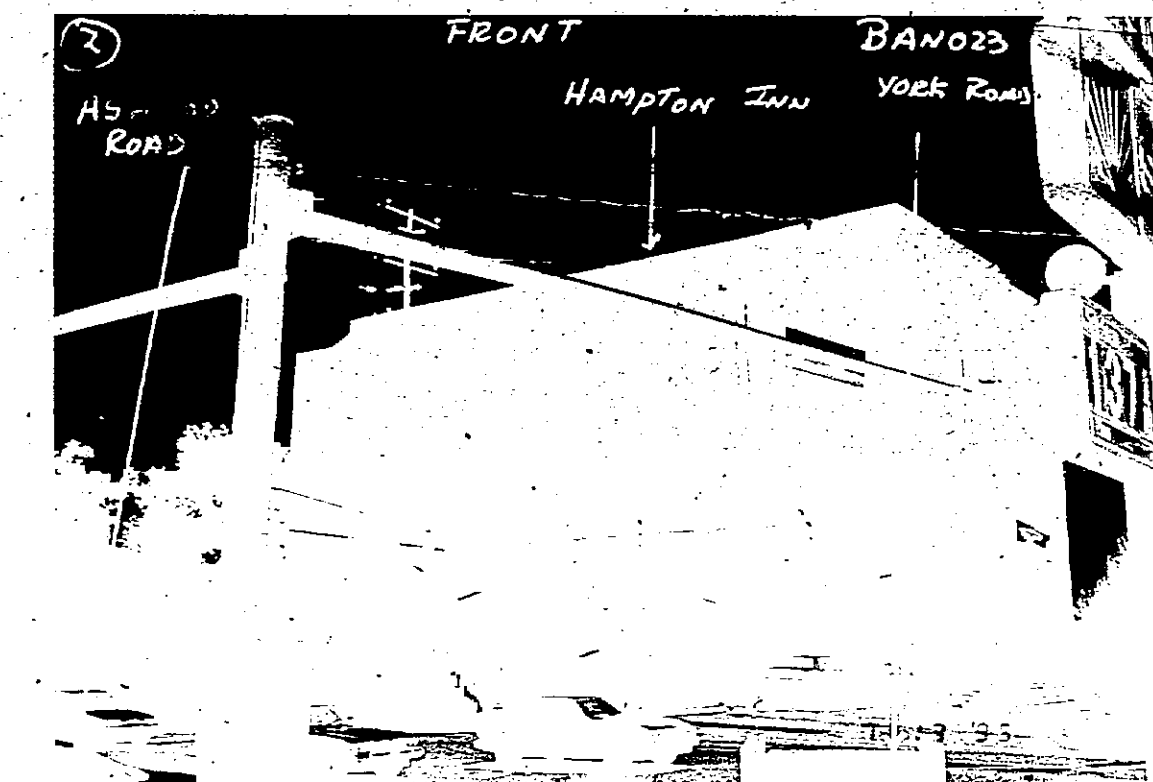
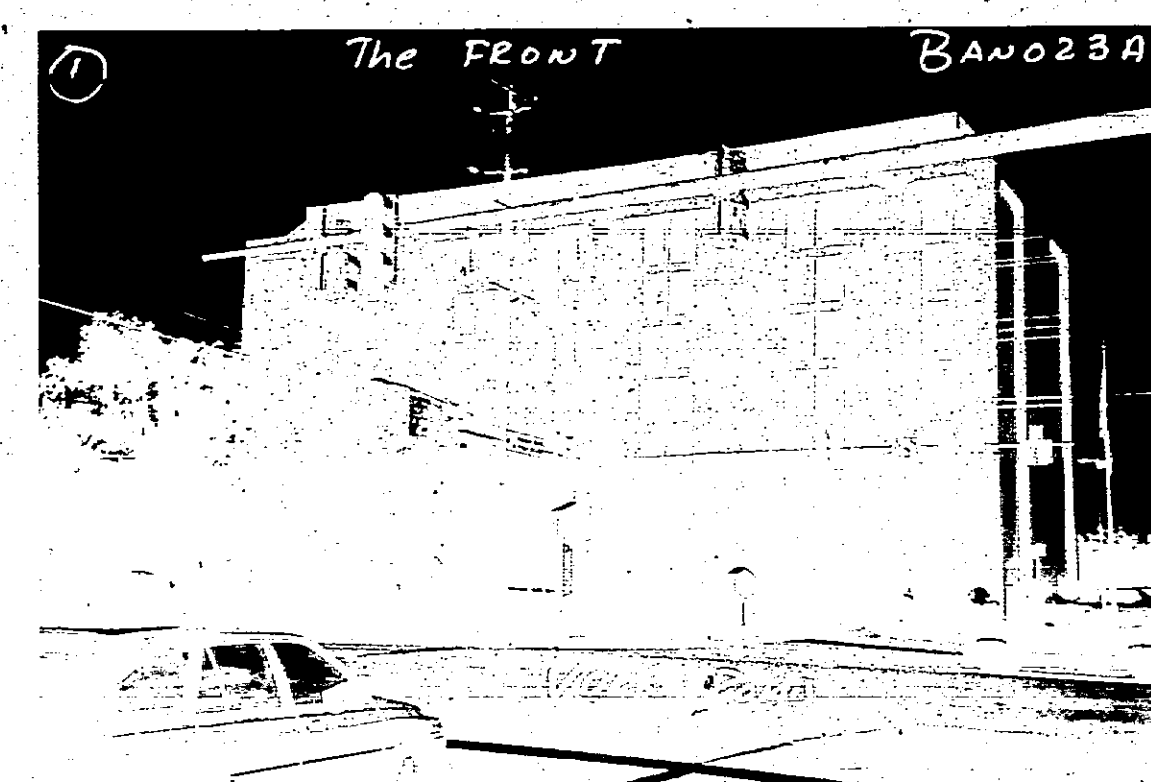
TABLE OF CONTENTS

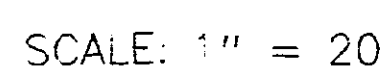
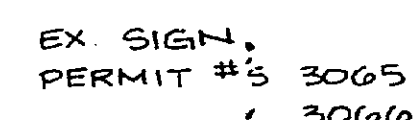
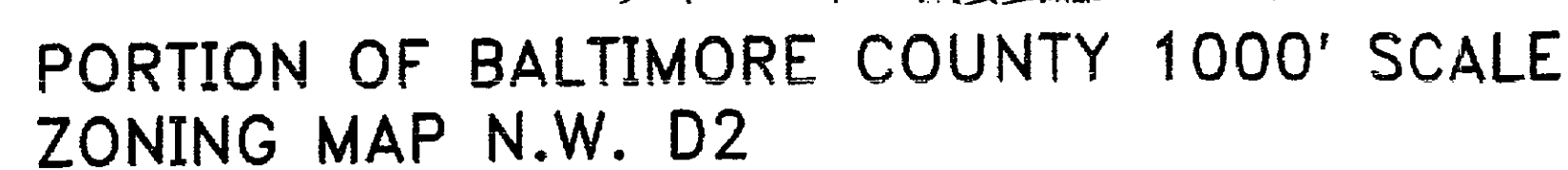
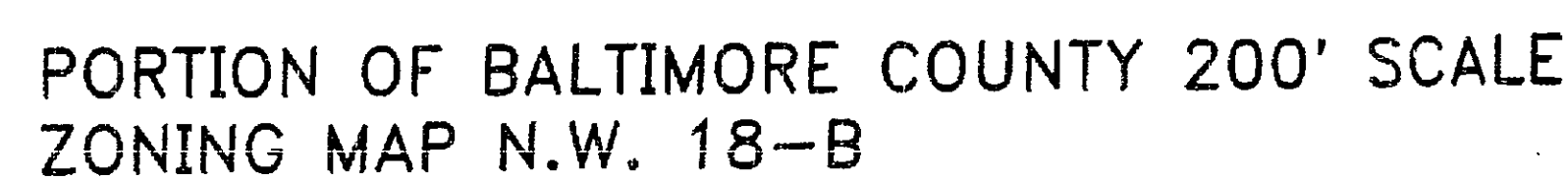
1. Photographs of 11200 York Rd.
2. Lease Agreement with The H.V. Motor Inn, Inc.
3. Photographs and Specification Sheets for Antennas
4. Photograph and Specification Sheets for Equipment Cabinets
5. FCC License
6. Radio Frequency Statement - Jules Cohen
7. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
8. FCC's Chairman, Reed Hundt, Speech Excerpts

Ref No 3

2112 Old Court Road, Baltimore, MD 21208-3432 (410) 825-4220 Fax: (410) 821-8630
One Democracy Center, 6901 Rockledge Drive, Suite 600, Bethesda, MD 20817 (301) 214-9200 Fax: (301) 214-9490
1-800-TALK-APC

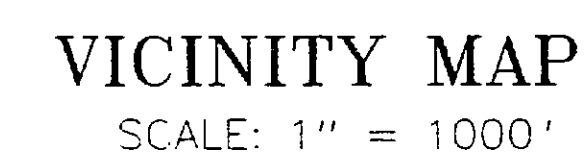
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LEGEND

- STORM DRAIN MANHOLE
 STORM DRAIN MANHOLE IN CONCRETE PAD
 ELECTRIC TRANSFORMER
 GUY POLE
 GUY WIRE
 MANHOLE
 MANHOLE IN CONCRETE PAD
 ELECTRIC CABLE MARKER
 UTILITY POLES
 ELECTRIC MANHOLE
 TRAFFIC POLE
 WATER METER
 INLET
 TRAFFIC CONDUIT
 FILLER CAP
 GAS METER
 FIRE HYDRANT
 ACCESSIBILITY FOR THE HANDICAPPED
 HAND BOX
 WALL HYDRANT
 GLEAMOUT
 - WOODEN PRIVACY FENCE
 OVERHEAD WIRES
 CHAIN LINK FENCE



DMIA

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 410 296 4705

USE: SERVICE STATION

ASHLAND
ROAD

NOTES

NOTES:

1. Current owner and address: Federated National Inc.,
owners of B.T. Motor Inn, Inc.
c/o B.T. Motor Inn, Inc.
11200 York Road
Hunt Valley, MD, 21031
2. Contract lessee/
Applicant: American CPS, L.P.
One Democracy Way
6901 Rockledge Drive, Suite 600
Bethesda, Maryland 20817
3. Site area: 1.3 Acres
4. Existing use: Hotel and ancillary parking
5. Site Address: 11200 York Road
Hunt Valley, MD, 21031
6. Site data: Tax map 42, block 15 parcel 294
Tax. Account Nos.: 08-081901640
Deed references: Liber 9439 Folio 10
Zoning: BR-IM
Election District: 8
Concounclmanic District: 3
7. The proposed wireless transmitting and receiving facility will consist of (6) panel antennas measuring 5'3" high x 6'3" wide x 2'7" deep, and (2) equipment cabinets measuring 4'5" high x 4'11" wide x 1'8" deep.
8. No water or sanitary utilities are required for the facility.
9. The information and boundary location shown herein have been compiled from deeds and other sources believed to be reliable, however their accuracy is not guaranteed and is subject to revision.
10. No additional site or antenna lights are proposed.
11. There are no new signs proposed for this facility.
12. Amenity open space: N/A
13. This site was the subject of the following permits:
214-85 Int. Alt., 812-86 SWM, 1718-84 Foundation
14. Zoning History: There are no Zoning Cases on file for this property.
15. Required setbacks: For commercial buildings,
as provided for in § 303.2
16. Floor area ratio: $\frac{\text{total gross floor area (54633 sq. ft.)}}{\text{total gross site area (55629 sq. ft.)}} = 0.9$

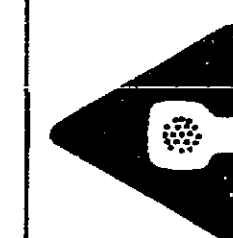
Attorney: Christine K. McSherry
Whiteford, Taylor, & Preston
500 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-4515
(410) 832-2000

Requested Zoning Action:

Petition for Special Exception to permit a wireless transmitting and receiving facility .

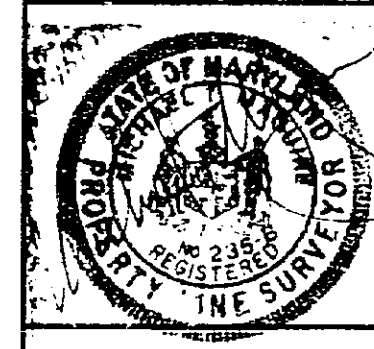
Petition for Variance from BCZR § 426.1B. to permit a setback of 118 feet from an R-O zone boundary for a wireless transmitting and receiving facility in lieu of the required 200 feet.

American Personal Communications



Hampton Inn Site – BAN 23A
3rd Election District Baltimore County Maryland

No.	Description	Date
REVISIONS		
Proj. No.	94161.66	
Date	2 FEB 96	
Scale	As Shown	
Last Rev.		



SHEET

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PRINTED

FEB 02 1996

Fname: 9416666 DELVILVERB INC